

Brought from the Lords, 7 August 1888.

R E P O R T

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS

ON THE

PHARMACY ACT (IRELAND), 1875,
AMENDMENT BILL [H.L.];

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

*Ordered, by The House of Commons, to be Printed,
11 August 1888.*

LONDON:

PRINTED BY HENRY HANSARD AND SON;

AND

Published by EYRE and SPOTTISWOODE, East Harding-street, London, E.C.,
and 13, Abingdon-street, Westminster, S.W. ;
ADAM and CHARLES BLACK, North Bridge, Edinburgh ;
and HODGES, FRODIP, and Co., 104, Grafton-street, Dublin.

REPORT	-	-	-	-	-	-	-	-	-	p.	iii
PROCEEDINGS OF THE COMMITTEE	-	-	-	-	-	-	-	-	-	p.	v
MINUTES OF EVIDENCE	-	-	-	-	-	-	-	-	-	p.	i

R E P O R T.

BY THE SELECT COMMITTEE appointed to consider the PHARMACY
ACT (IRELAND), 1875, AMENDMENT BILL [H. L.] :—

ORDERED TO REPORT,

THAT the Committee have met, and have examined Witnesses, and considered the said Bill, and have ordered the said Bill to be Reported to your Lordships, with some Amendments.

The Committee have directed the Minutes of Evidence and Proceedings to be laid before your Lordships.

21st June 1888.

ORDER OF REFERENCE.

Die Veneris, 8^o Junii 1888.

PHARMACY ACT (IRELAND), 1875, AMENDMENT BILL [H.L.]

Read 2^a (according to Order), and referred to a Select Committee.

Die Lunæ, 11^o Junii 1888.

The Lords following were named of the Committee:

Earl of Milltown.	Lord Chaworth (<i>Earl of Meath</i>).
Lord de Ros.	Lord Lingen.
Lord Foxford (<i>Earl of Limerick</i>).	Lord Basing

The Committee to meet To-morrow, at Half-past Three o'clock, and to appoint their own Chairman.

LORDS PRESENT, AND MINUTES OF PROCEEDINGS AT EACH
SITTING OF THE COMMITTEE.

Die Martis, 12^a Junii 1888.

LORDS PRESENT:

Earl of Milltown.		Lord Chaworth (<i>Earl of Meath</i>).
Lord de Ros.		Lord Lingen.
Lord Foxford (<i>Earl of Limerick</i>).		

Order of Reference read.

It is moved that the Earl of Milltown do take the Chair.

The same is agreed to.

The course of Proceeding is considered.

Ordered, That the Committee be adjourned till Friday next, at Twelve o'clock.

Die Veneris, 15^a Junii 1888.

LORDS PRESENT:

THE EARL OF MILLTOWN in the Chair.

Lord de Ros.		Lord Chaworth (<i>Earl of Meath</i>).
Lord Foxford (<i>Earl of Limerick</i>).		Lord Lingen.

Order of adjournment read.

The Proceedings of the Committee of Tuesday last are read.

The following Witnesses are examined, viz.:—Mr. *William J. Rantia*, Mr. *Samuel Clotworthy*, Mr. *Samuel Gibson*, Mr. *John H. Shaw*, Mr. *Robert J. Downes*, and Mr. *James E. Brunker* (*vide the Evidence*).

Ordered, That the Committee be adjourned till Monday next, at Twelve o'clock.

Die Lunc, 18^o Junii 1888.

LORDS PRESENT:

The EARL OF MILLTOWN in the Chair.

Lord de Ros.	Lord Lingen.
Lord Foxford (<i>Earl of Lincolns</i>).	Lord Basing.
Lord Chaworth (<i>Earl of Meath</i>).	

Order of adjournment read.

The Proceedings of the Committee of Friday last are read.

The following Witnesses are examined, viz. 1.—Mr. William Hayes, Mr. William N. Allen, Mr. Richard Brownridge, Mr. James E. Brucker, and Mr. Samuel Gibson (*vide the Evidence*).

The Title of the Bill is read, and postponed.

The Preamble is read, and postponed.

Clauses 1, 2, and 3, are agreed to, without Amendment.

Clause 4, is read.

It is moved by the Lord Foxford (*Earl of Lincolns*), to insert after the first "of" in line 3 of the Clause, the words "chemists or."

Objected to:

On Question, That the said words be inserted:

Content, 1.	Not Contents, 4.
Lord Foxford (<i>Earl of Lincolns</i>).	Earl of Milltown.
	Lord de Ros.
	Lord Chaworth (<i>Earl of Meath</i>).
	Lord Lingen.

The Clause is agreed to, without Amendment.

Clause 5 is amended, and agreed to.

Clause 6 is read, and Amendments are made therein.

Ordered, That the Committee be adjourned till Wednesday next, at Twelve o'clock.

Die Mercurii, 20^o Junii 1888.

LORDS PRESENT:

The EARL OF MILLTOWN in the Chair.

Lord de Ros.	Lord Chaworth (<i>Earl of Meath</i>).
Lord Foxford (<i>Earl of Lincolns</i>).	Lord Lingen.

Order of adjournment read.

The Proceedings of the Committee of Monday last are read.

Clause 6 is again read, and further Amendments are made therein.

The Clause is agreed to.

Clause 7 is agreed to, with an Amendment.

Clause 8 is agreed to, without Amendment.

A new Clause is inserted.

Clause

Clause 9 is agreed to, with an Amendment.

Clause 10 is agreed to, with Amendments.

Clause 11 is agreed to, without Amendment.

It is moved by the Lord Chaworth (*Earl of Meath*), to insert a new Clause, as follows:

"Every person practising as a registered druggist under this Act shall display conspicuously outside his place of business a notice in legible characters as follows, 'Not licensed to dispense or compound medical prescriptions,' and in default shall be liable to a penalty not exceeding One pound for every day during which such default shall continue."

Objected to.

On Question, That the said Clause be inserted in the Bill;

Contents, 4.	Not Content, 1.
Earl of Milltown.	Lord Foxford (<i>Earl of Limerick</i>).
Lord de Ros.	
Lord Chaworth (<i>Earl of Meath</i>).	
Lord Lingard.	

Clause 12 is read, and disagreed to.

Clauses 13 and 14 are agreed to, without Amendment.

Clause 15 is agreed to, with Amendments.

Clauses 16 to 19 inclusive are agreed to, without Amendment.

Several Schedules are inserted in the Bill.

The Preamble of the Bill is again read, and agreed to.

The Title of the Bill is again read, and agreed to.

Ordered, That the Lord in the Chair do Report the Bill, with Amendments, to the House.

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

Die Veneris, 15^o Junii, 1888.

	PAGE
Mr. Rankin - - - - -	3
Mr. Samuel Clotworthy - - - - -	13
Mr. Samuel Gibson - - - - -	17
Mr. John H. Shaw - - - - -	21
Sir Robert James Downes - - - - -	23
Mr. James Edward Brunker - - - - -	30

Die Lunæ, 18^o Junii, 1888.

Mr. William Hayes - - - - -	49
Mr. William Nassau Allen - - - - -	65
Mr. Richard Bremridge - - - - -	70
Mr. James Edward Brunker - - - - -	72
Mr. Samuel Gibson - - - - -	74

Die Veneris, 15^o Junii, 1888.

LORDS PRESENT:

Earl of MILLTOWN.

Lord DE ROS.

Lord FOXFORD (*Earl of Limerick*).

Lord CHAWORTH (*Earl of Meath*).

Lord LINGEN.

THE EARL OF MILLTOWN, IN THE CHAIR.

MR. RANKIN, called in; and Examined.

1. *Chairman.*] WHERE do you reside?

In Belfast; 173, New Lodge-road.

2. What is your position?

Chemist and druggist.

3. I believe you are connected with the North of Ireland Association?

Quite so, my Lord; I am honorary secretary.

4. To what?

To the North of Ireland Chemists and Druggists' Association.

5. I believe you have given your attention to the Bill now before their Lordships' House?

Yes, I have given it careful study.

6. On what points do you wish particularly to represent your views?

There are several minor points in our objection to the Bill as proposed; but our two particular points are, first, that the present Bill does not provide for the continuity of the trade of chemists and druggists, and, second, regarding the proposed title of registered druggist to be given.

7. In what way does it interfere with the continuity of your trade?

What we mean by continuity of the trade of chemists and druggists, my Lord, is that our assistants and apprentices would have an examination whereby they would be able to graduate as chemists and druggists. There is no such thing as this at present. Under the Act of 1875 there were two distinct classes mentioned; that was pharmaceutical chemists and chemists and druggists. There was an examination of a high class to be provided for pharmaceutical chemists; and there was one of a lower status to provide for chemists and druggists.

8. By what clause is that?

That is Clause 21.

9. Shall I read it: "For the purpose of ascertaining the qualification of persons desirous of keeping open shops for the retailing, dispensing, or compounding poisons or medical prescriptions, and being registered as pharmaceutical chemists or as chemists and druggists under this Act, the said council shall cause examinations to be held at such times, and in such manner, as may be prescribed by regulations made in pursuance of this Act, and the said council shall appoint examiners to conduct the same." Where is there in that clause that you have just now described, that which shows that there is to be a harder examination for one class than another?

(O.G.)

A 2

Read

15th June 1888.]

MR. RANKIN.

[Continued.]

Read further on, "All persons desirous of being registered as pharmaceutical chemists under this Act, may at any such examination present themselves for examination, and they shall be examined with respect to their knowledge of the Latin and English languages, of arithmetic, of botany, of *materia medica*, of pharmaceutical and general chemistry, of practical pharmacy, of the British Pharmacopoeia, and of such other subjects as may from time to time be prescribed by any regulations made in pursuance of this Act; and all persons desirous of being registered as chemists and druggists under this Act may at any such examination present themselves for examination, and they shall be subjected to such a modified examination with respect to their knowledge of the subjects aforesaid as may from time to time be prescribed by any regulations made in pursuance of this Act."

10. That depends, does it not, on the previous section of the Act, which leaves it optional to the Pharmaceutical Council to establish a second grade?

Quite so, my Lord; there is an optional clause in this which gives the discretionary power of continuing the second grade; but it is believed by most people that that discretionary power happened to get into the Act through misadventure; it was not intentional.

11. What is the clause?

Clause 15 and Clause 16, section 3: "The said council may, at their first or any subsequent meeting, by resolution, determine upon allowing certain persons to acquire the title of chemist and druggist, subject to such terms and conditions as the said council shall think proper."

12. Is there any doubt entertained that Clause 15, which seems perfectly clear, leaves it perfectly optional with the council to establish such a degree?

No doubt at all. It would seem there that it leaves it optional. The same thing in Clause 16, section 3: "The examination of persons desirous of being registered as chemists and druggists under this Act, in case the said council shall think proper to allow persons to acquire the title of chemist and druggist."

13. That presupposes, may it not, that they may not think it proper to allow persons?—

14. Earl of Limerick.] Is that your objection?

That is our objection, because it was understood when this Act was being passed; in fact, the members of our society had a consultation, and it was determined that there should be a partition of the two grade, one lower than the other.

15. You allow it is optional, but that is your objection?

Quite so; chemists and druggists are a very large body in Ireland, I suppose about 2,000 who supply the wants of the country in many places where the pharmaceutical chemists will never settle down.

16. Chairman.] Do you propose, then, that the Bill should make that optional provision of the Act of 1875 compulsory?

If that optional clause is taken away I think there would be nothing wrong with the Bill.

17. If the optional clause is taken away that is not what you mean, is it; you mean that the optional clause should be made compulsory?

Should be made compulsory.

Lord De Ros.] The word "may" turned into shall?

Witness.] Quite so.

18. Chairman.] In order that the Pharmaceutical Society may be compelled to create a second grade; is that your object?

Quite so.

19. What advantage would the public derive from that?

Derive the advantage that in many places, in hundreds and hundreds of places throughout Ireland they would have the advantage of druggists keeping open shop legally qualified by Act of Parliament, whereas in the present case there is no such thing. All the druggists throughout Ireland are unregistered,
and

186A June 1888.]

MR. BARKIN.

[Continued.]

and have given no proof of their qualification to retail drugs or poisons. There is only one class, the pharmaceutical chemists, who have given any proof. They have passed an examination, and given evidence that they are qualified to do so; but there is no examination for those people in trade as chemists and druggists, and they are a large and numerous body. We wish this not to continue. We sent resolutions in the month of November last to the Pharmaceutical Council when they purposed registering all who were in business at that time without examination. We framed resolutions in reply to that, stating we would rather all those who had gone into business since 1875 would undergo an examination, in order that they might give proof that they were qualified to act as chemists and druggists, because danger would arise to the public if they were not examined. Of course those who were in business trading in 1875 were provided for by this Act, the Act of 1875.

20. That reserves all their existing rights?

Quite so.

21. Then all those who were in existence previous to 1875, who are, I presume, a pretty numerous body, would still continue to dispense poisons, although they have passed no examination and given no proof whatever of their carefulness or ability to do so with safety to the public?

Quite so; they are not such a large body. A great number have died since then. They are not a very numerous body now.

22. What per-centage do they bear to those who have come into business since 1875?

Those who are carrying on business, my Lord.

23. How do they stand as regards numbers in relation to those who have since 1875 taken up the business?

I think, my Lord, there would only be a fourth.

24. Then three-fourths of the chemists and druggists now practising as such in Ireland, have no rights reserved to them by the Act of 1875?

Quite so.

25. Are unregistered, and have passed no qualifying examination?

Quite so.

26. That, of course, you do not think a desirable state of things. You agree with me, it is not desirable?

It is not desirable; the public safety may be imperilled.

27. This Bill provides that all those who have taken the business, up since 1875, who, in your judgment amount to three-fourths of the whole number, should be subjected to a qualified examination?

Quite so.

28. And that they should be registered; do you approve of that?

I approve of that.

29. Then what is your objection?

Our objection is that in the proposed amendments, it only purposes instituting an examination for those who were serving their time in 1875, assistants and apprentices who were in business in 1875. The time the Act was passed, and there is no provision for any between that time, 1875, and this time, and no provision for any apprentices which may come to us in future. This would not be so hard or so objectionable; but there is a bye-law passed by the Pharmaceutical Council, which has obtained the sanction of the Privy Council, requiring candidates coming up for the pharmaceutical examination to produce a certificate that they have served four years with a pharmaceutical chemist, or else a certificate that they have served four years with a registered chemist and druggist of Great Britain, which is entirely different from a chemist and druggist of Ireland. Consequently the assistants and apprentices of chemists and druggists in Ireland are eligible for examination of a pharmaceutical chemist.

30. But as chemists and druggists in Ireland are not entitled to compound medical prescriptions or perform the ordinary duty of chemists in Great Britain, would it be sufficient in your judgment for an apprentice to have served four
(0.6.) A J years

15th June 1888.]

Mr. RANKIN.

[Continued.]

years with a gentleman whose profession does not include that very important part of their education?

Well, most of these would be qualified, because the great bulk of those who constitute the Pharmaceutical Licentiate at the present time, passed the examination in 1876 and 1877, during the modified examination, and those were men who had been with the old chemists and druggists, and, although in Belfast and Dublin there is a great number of the chemists and druggists who do not dispense prescriptions, because there is no requirement for it, there being so many pharmaceutical chemists, yet in large districts where there are no pharmacists to supply the wants of these districts, chemists and druggists have to do it.

31. You mean they have to break the law?

They have to break the law; not exactly break the law, because some of those had been doing it before 1875, and have been continuing to do it.

32. Do you think that is an argument for permitting them to do it in future? Those large districts of country for 50 or 60 miles are unrepresented sometimes by any person other than chemists and druggists.

33. That may point to the fact, that a larger supply of qualified chemists is necessary in those districts; but does it in your judgment point to the idea that the law ought to be technically broken with impunity?

As a body, we have not been in favour of a second grade having the dispensing of prescriptions. We have passed resolutions to that effect.

34. You do not wish chemists and druggists, who are to be created pursuant to the provisions of the Act of 1875, to be entitled to make up prescriptions?

Quite so. As a body, our association have passed resolutions requiring the status of the lower grade, but yet the large districts of the country would be entirely unrepresented still. It would be for the public convenience, so far, if that the second grade in those districts should have the power to fill the prescriptions.

35. But under the provisions of the Act of 1875 the chemists and druggists, which the Act contemplates the possibility of being established, would have the right to make up prescriptions?

Quite so, my Lord. I think that is the reason that the Pharmaceutical Council did not register them.

36. I understand you to say now that though you advocate the creation of this grade, you do not advocate their being given the power to make up medical prescriptions; is that so?

Quite so.

37. I really cannot follow you why they should not?

In the proposed amendments it is sought to lower the status of those members who have been trading for some 20, 25 years or more, to that of a registered druggist.

38. We are now coming to another point. The Bill proposes that the chemists and druggists who are to be placed upon the future register, are to be called registered druggists, and you seem to object to that?

Quite so.

39. Could you tell the Committee why you object to that?

Clause 6 of the new Amendment Bill.

40. What hardship would that inflict, in your opinion, upon chemists and druggists who were practising previous to 1875?

They were trading as chemists and druggists, and are chemists and druggists, selling chemicals, drugs, &c. A chemist would be a person who would sell, and even manufacture chemicals, but a pharmaceutical chemist would be one who would compound or dispense prescriptions, &c., of legally qualified medical practitioners.

41. In that respect his business is similar to that of the apothecary?

Quite so.

42. But is it the fact that the majority of those who were carrying on this business previous to 1875, and who have been carrying it on since, are really chemists?

They

15th June 1888.]

MR. RANKIN.

[Continued.]

They describe themselves so, and I believe any of them would be prepared to pass any examination in simple chemistry.

43. Any of them?

Yes.

44. That is your experience?

Quite so.

45. Do you think that the calling of those "chemists and druggists" when they are not entitled to make up medical prescriptions would lead to any confusion between them and such chemists who are so entitled?

I do not apprehend what your Lordship says.

46. You propose that they should be called registered chemists and druggists? Yes.

47. But they are not entitled to make up medical prescriptions?

Quite so.

48. Do you think that their being so called would cause confusion in the public mind between them and the pharmaceutical chemists, who are entitled to make up prescriptions, and who are what we understand in England as chemists?

I do not think that it could, my Lord. There is no confusion at the present time between them and such chemists as are so entitled. We have very few poisoning cases in Ireland through inadvertence; the public know the difference; that is, they have got to know the difference.

49. Earl of Meath.] May I ask you how does an ordinary person know the difference between a pharmaceutical chemist and a chemist and druggist when he comes in from the neighbouring town?

In the neighbouring towns and villages, where there is only a druggist, in some cases they have to fill prescriptions, but in other cases they do not. If the man feels he is not qualified to fill the prescription when one comes in to be made up, he will not run the risk of committing manslaughter; he will send it to a doctor or an apothecary, or even send the patient to some town a good distance off.

50. That is not an answer my question; I understand you to say, the public could never fail to distinguish between a pharmaceutical chemist and a chemist and druggist. What I want to know is, how would a peasant going into a neighbouring town in which there is only a chemist and druggist know that that man is only a chemist and druggist, and not a pharmaceutical chemist?

In many cases he has got to know by the person telling him that he does not dispense prescriptions.

51. There is no outward sign on the shop or elsewhere so that a man could at once distinguish one from the other?

No, nothing more than the term "chemist and druggist" and "pharmaceutical chemist."

52. Is it not the fact then, that there would be great likelihood that an ordinary peasant would not understand the difference between a "pharmaceutical chemist" and a chemist and druggist?

No. If this enactment was made the society would look to it to see that a person did not exercise the functions of a pharmaceutical chemist if that was not given to him.

53. Do I understand you to say, that in some cases the chemists and druggists have actually made up prescriptions when they have had no right to do so?

Quite so; where there is no pharmaceutical chemist he is compelled to do it; the doctors ask him. I could recite numerous cases where there is only a chemist and druggist, and the doctor comes to the chemist and druggist and asks him as a favour to fill his prescriptions.

54. Consequently the doctor is breaking the law?

You might say there is no law on the subject in Ireland.

(O.G.)

A 4

55. Chairman.]

15th June 1888.]

Mr. RANKIN.

[Continued.]

55. *Chairman.*] The law may not be enforced, but the law is perfectly clear? I think the Pharmaceutical Society realise that the law is not clear, because that after the Act was passed they could not register the second grade. There was no provision given in the Act.

56. Has there been any doubt that under the Act of 1791 chemists and druggists have no right whatever to make up medical prescriptions?

There is no doubt about that.

57. *Earl of Limerick.*] You say there is no provision made in the Act for the registration of chemists and druggists; is that so?

For any who were in business in 1875. There seems to be no provision in the whole of the Act for registering them; there is a provision for registering those who do pass an examination in order to qualify for chemists and druggists.

58. There is no provision in the original Act of 1875 for registering those who were practising at that time as chemists and druggists?

Quite so.

59. *Chairman.*] That is proposed to be amended by the Act now before the House, as you are aware?

Yes.

60. But that proposed amendment does not seem to meet altogether with your approval?

It does not.

61. Is that solely on the ground that they are called "registered druggists," and not "registered chemists and druggists"?

Quite so; they thought it would be lowering their status.

62. To drop the word "chemist"?

Yes.

63. That is the only lowering of their status that could possibly arise, is it not?

The Pharmaceutical Society, I may say, in the year 1884, were trying to promote a Bill on the same lines, whereby there would be an examination for chemists and druggists.

64. This Bill provides that there shall be an examination for them in the future?

Only for those assistants who were in the trade in 1875. It does not provide for anything after that.

65. It provides that all registered druggists shall in future pass an examination?

All registered druggists will pass an examination. Quite so; those who broke the law and went into business, and those assistants and apprentices who were in the trade in 1875; but then that is 13 years ago, and our trade which is a large and important one, could not be carried on without assistants and apprentices; and the Pharmaceutical Society would say that they are illegal, having gone into business since 1875. I will read you the clause of the Bill which was tried to be prosecuted in 1884. "Clause 2 recited that there were small towns and villages in Ireland where a highly-educated pharmacist could not earn a livelihood, but where persons of proved intelligence and education, as retailers of drugs and poisons for veterinary and household purposes, were required; and recommended—(A) That the Council should have power to hold examinations at stated periods for such persons, who, on passing such examinations and paying a fee of three guineas, should be entered on the registry of 'Registered Druggists.' (B) That such persons should be examined with respect to their knowledge of the English language, arithmetic, and elementary chemistry, and should have a practical knowledge of, and be able to distinguish by their appearance and by suitable tests, the various drugs and poisons, or poisonous substances in general sale."

66. That

16th June 1888.]

MR. RANKIN.

[Continued.]

66. That is the provision of the present Bill?

That went farther, my Lord.

67. In what way?

That would provide a continuity of the trade or a standing examination for the assistants and apprentices to supply our various establishments.

68. Will you explain clearly what you mean by standing examination, and state whether you think that is a desideratum which this Bill ought to supply?

I will explain it in this way. Section 2 of clause 6 of the amended Bill is in these words: "Such application shall be accompanied by a statutory declaration of the applicant that he was practising as a chemist and druggist on his own account in Ireland, and styling himself as such between the dates aforesaid, or that he was an apprentice or assistant to a chemist and druggist prior to the 11th day of August 1875" (that is the time the Act was passed), "as the case may be, and the name of the place where he carried on such practice, or was such apprentice or assistant, and also by statutory declarations from two legally qualified medical practitioners, registered as such that the applicant has, to their knowledge, carried on such practice at that place on his own account, between the dates aforesaid, or has been an apprentice or assistant to a chemist or druggist at that place prior to the 11th day of August 1875," as the case may be. That makes no provision for all assistants or apprentices who have gone into business since, because they must be able to produce a certificate that they were in business in 1875.

69. Then I understand what you advocate is, that there should be a class of chemists and druggists created and permanently kept in existence in Ireland who should not have the privilege of making up prescriptions, who should be entrusted with the right to sell poisons?

Quite so, my Lord, that is my opinion; but there is a large number who differ from me, and say that chemists and druggists in those districts where the pharmaceutical chemist is not, should have the right of dispensing prescriptions.

70. Even without qualifying by examination?

They would qualify.

71. In what way?

By passing an examination.

72. The same as the Pharmaceutical Society exact?

Similar to that, or to the English. The Pharmaceutical Society's examination, I believe, is similar to that for English Chemist and Druggist; at the present time they cannot go forward for an examination. I could give the name of numerous men, who, if the Pharmaceutical Society allowed them to go forward for the examination, would do so; but they cannot produce the certificate that they have been four years with a pharmaceutical chemist; otherwise, they would go forward and pass the Pharmaceutical Society's examination.

73. That is another point, is it not. You are now advocating that the probation which is exacted from the candidates should be somewhat extended, so as to include apprenticeship under a chemist and druggist?

Quite so.

74. Surely you would not advocate that persons should be given power to dispense prescriptions who are unable to pass an examination, or who do not pass an examination which is looked upon by the authorities as absolutely necessary for the safety of the public?

We do not advocate that; but these parties are willing to pass the examination.

75. Earl of Meath.] I understand you the difficulty is this: that a certain number of chemists and druggists, and men who desire to become chemists and druggists, are willing to pass the examination of the Pharmaceutical Society?

Quite so.

(O.G.)

B

76. But

15th June 1886.]

MR. BARKIN.

[Continued.]

76. But they cannot do so, owing to the fact that they have not been four years with a pharmaceutical chemist?

Quite so.

77. You want that any person should be able to present himself before the Pharmaceutical Society, and should have the right of being examined, and obtaining their authority, without having been four years under a pharmaceutical chemist?

Quite so. If the bye-law which they have passed was repealed, there are many chemists and druggists, and assistants of chemists and druggists, who could pass the examination. We have made out a list of objections to certain clauses in the Bill, and at the end we add an Appendix: "That the Bill, as at present before the House, is deficient in one respect, inasmuch as it does not provide for apprentices who have served their time since, or any who are now apprenticed with chemists and druggists, or any who may hereafter be so apprenticed. It is suggested that the Bill be amended by prescribing some mode of examination for efficiency to warrant the admission of such apprentices to the Register of Chemists and Druggists on the completion of their apprenticeship; and that the service of four years' apprenticeship with a registered pharmaceutical chemist, or registered chemist and druggist, should qualify any candidate presenting himself for the higher examination necessary for license to carry on the business of a pharmaceutical chemist, or that of chemist and druggist, as he may think fit," which is all we desire.

78. *Chairman.*] Apprenticeship with a licensed chemist or druggist would not imply that the chemist had any knowledge whatever of making up ordinary prescriptions?

If he is able to pass the examination, would you not think, my Lord, that he should be registered.

79. That comes to the question of whether a certain amount of cramming may not enable a practically ignorant man to pass an examination. That is the very point, as you are aware, that is sought to be prevented by the Pharmacy Act of Great Britain:—

80. *Lord Lingen.*] Does the person who is under examination, as part of the exercise he has to perform, actually have to compound drugs, or has he only to answer questions on paper?

It is not a written examination. He has to go through a thorough examination of analysing different chemicals, describing different botanical specimens, reading and compounding of physicians' prescriptions. A prescription is given to him, and he has to compound and make it up; all of these are embraced.

81. *Chairman.*] Your suggestion is not that there should be no qualifying apprenticeship, but you think the fact that these gentlemen could pass the examination should be a sufficient test, so as to give them license to practice as pharmaceutical chemists?

Quite so.

82. Would you apply that to the future or only to the past?

We should have to apply it to the future, because if the trade of a chemist and druggist is deprived of its rights, the trade would lose a great amount of its market value, and we should not be able to obtain assistants and apprentices, if those assistants and apprentices had not a right of coming forward for the examination of either the chemist or druggist, or the higher examination of pharmaceutical chemist, if he wished it.

83. Then you wish an apprenticeship with a chemist and druggist to be of exactly the same value as an apprenticeship with a pharmaceutical chemist in Ireland or a chemist and druggist in Great Britain?

Quite so, my Lord.

84. *Earl of Limerick.*] Is there not this difference, that though the person with

15th June 1888.]

MR. RANKIN.

[Continued.]

with whom he has been apprenticed not having qualified, or having passed any examination, may himself not have been a well qualified person?

Any person coming forward for the examination of pharmaceutical chemist must have attended at one of the schools recognised by the society for a length of time and have practised there. That is one of the regulations. So that if he had not a competent knowledge at the counter where he was working, although he would obtain a very good knowledge of the handling and manipulating of drugs, chemicals, &c., if he had not that at his counter he would attain it at this school, where he would have to practise before coming forward for his examination.

85. *Chairman.*] A good many of those who have been carrying on the business of chemists and druggists in Ireland, and who would be embraced, I presume, under your proposal, carry on a good many other businesses besides, do not they?

In the country districts they do. Sometimes they have a drug department and an ironmongery department.

86. Perhaps the ironmongery, or the grocery, or even the whisky shop, may be the more important of the two?

It might be so.

87. So that the apprentice who had served in such an establishment as that, although he might be admirably qualified to measure out whisky or groceries; might in fact be comparatively ignorant of the business of the chemist?

It might be so; but this class of traders are principally the older members who were trading in 1875. All those who have gone into business since, we would say, would require a certificate that they had served their time with a chemist and druggist; a *bond fide* chemist and druggist.

88. How do you define a *bond fide* chemist and druggist?

I should say a *bond fide* chemist and druggist practising at the present time would be a person who had served his time with one of the older ones.

89. You acknowledge you have to put some limit to your definition?
Quite so.

90. Because all chemists and druggists in Ireland are not like Mr. Rankin, for instance?

Our association is careful of the trade, and wish to be as careful of the safety of the public as the Pharmaceutical Society.

91. What I had in my mind is the notorious fact that the business is carried on all over Ireland by persons who carry it on as an adjunct to other business, and who, therefore, in all probability know very little about it?

That is quite so; but you see the necessity of the case has created the man. There being in these places no pharmaceutical chemist, and in some of them no apothecary, there was a demand, and these men add certain things to their trade. I could name towns where there is only a draper, and he has to keep a little corner set apart for drugs, there being no druggist or no pharmaceutical chemist in the town.

92. *Earl of Limerick.*] Has your association formulated any amendments to meet this point which you suggest?

We have suggested that all who have started since 1875 should require to pass the examination before being registered.

93. Has your association formulated any amendments to the Bill to meet these points which they would wish the Committee to consider?

We have. That is one of them.

94. Do not the first six lines of Clause 21 of the original Bill of 1875 appear to throw an obligation on the Pharmaceutical Society to hold examinations for the examinations of chemists and druggists?

Yes; but Clause 16 of the same Bill makes it optional; it says, "may at the first meeting of the Council make regulations for the examinations of persons (0.6.) desirous

15th June 1888.]

MR. RANKIN.

[Continued.]

desirous of being registered as chemists and druggists." They thought that pharmaceutical chemists would supply the wants of the country.

95. They have interpreted Clause 15 as giving an option whether they should hold such examinations or not?

Quite so.

96. Although Clause 21 says they shall hold such an examination?

Quite so. Of course it is but natural that they should take advantage of a clause like that which gave them discretionary powers.

97. *Chairman.* Is there any other point you would like to call attention to?

I think that embraces most of the points. The council of our association also would wish that, if we are to be taxed a certain sum per annum after being registered, our society, or rather the chemists and druggists of Ireland, should be represented in a proportionate number on the council. We think that representation at all times should go with taxation, and if we have to pay a certain sum to the Pharmaceutical Society we should have a representation on the council, so that our interests would be safeguarded; we consider that a very important point. After the passing of the English Act of 1868, all the chemists and druggists who were in business then, although, of course, occupying a higher standard than with us, were registered free without any fee at all, and assistants also. We do not object to pay a fee to the Pharmaceutical Society, because, I suppose, they want funds. We do not object to pay a fee for examination, and we do not object to pay a small sum yearly, but we would like representation as an equivalent.

98. *Lord De Ros.* How are you represented now?

We are not represented at all.

99. *Chairman.* How do you suggest that you should be represented?

I should say about one-fourth of the council should be constituted by chemists and druggists. We are represented fairly by several on the council, who are of opinion that there should be a continuity of chemists and druggists, and that they should be provided for under the Bill.

100. Your proposal is that one-fourth of the Pharmaceutical Council should be composed of registered chemists and druggists?

Quite so.

101. How would you have them selected?

The election is by the members of the society annually; that is the Society of Pharmaceutical Chemists. You see, if we are constituted and registered I would take it for granted that we should be called associates, if we are registered in accordance with the provisions of this Act, and should be members after we join the society.

102. You think you should have power to select from among your number one fourth of the future council?

It should be the privilege of the licentiates of the Pharmaceutical Society, and of the chemists and druggists, to each vote annually, who should form the council. Of course all licentiates of the Pharmaceutical Society are not members. There are, I think, only about 70 licentiates who are members of the society, and they alone have the right of voting who should be the council.

103. Is there anything to prevent the others becoming members of the society if they wish?

At present there would be; but, I think, under the new Bill if we get fair representation there would not be.

104. I think you said only a certain number of pharmaceutical chemists are associates?

Yes, they have to pay a guinea a year to become members of the Pharmaceutical Society, and that prevents some of them becoming members. They take out their license, and do not become members. I think it is proposed in this Bill to make it compulsory to pay a certain sum per annum. However, we have

15th June 1888.]

Mr. RANKIN.

[Continued.]

have nothing to do with that. We are treating of the rights of the chemists and druggists.

105. *Earl of Limerick.*] Is your association incorporated?

It is not incorporated. It was called into existence at the time of the passing of the Act, 1875; that was the first Act that was passed relating to pharmacy in Ireland.

106. *Chairman.*] The Pharmaceutical Society of Ireland was constituted by the Act of 1875?

Quite so. According to the Act of 1875 chemists and druggists were to have a proportionate representation. Clause 18 of that Act says, "Every person who shall be registered under this Act as a chemist and druggist, shall be qualified to be elected an associate of the said Pharmaceutical Society, subject to the regulations made in pursuance of this Act; and every person so elected and continuing as such associate, being in business on his own account, shall have the privilege of attending all meetings of the said society, and of voting thereat, and otherwise taking part in the proceedings of such meetings in the same manner as members of the said society. Provided always, that such associates contribute to the funds of the said society the same fees or subscriptions as members contribute for the time being under the regulations thereof."

107. *Lord Lingard.*] I do not quite understand whether you propose to render it optional that a person who applied for examination should have served his time either as an apprentice or as an assistant with somebody; whether that somebody was a chemist and druggist, or whether he was a pharmaceutical chemist, or did you mean to leave out that service entirely, and trust to the examination only. I do not quite understand which position you advocate?

We advocate the position that that person should serve his time with a chemist and druggist, or a pharmaceutical chemist.

108. You do not propose to give up the service somewhere or another?

No, my Lord.

The Witness is directed to withdraw.

MR. SAMUEL CLOTWORTHY, is called in; and Examined, as follows:

109. *Chairman.*] WHERE do you live?

15, Bridge-street, Belfast.

110. Are you a chemist and druggist?

I am a chemist and druggist.

111. Is your business confined to that exclusively?

Confined to that exclusively.

112. Have you heard Mr. Rankin's evidence?

I have heard it.

113. Do you agree in what he has said?

Everything he has said, my Lord.

114. Is there anything you would like to add on your own account?

Well, I being one of the old chemists and druggists, I would like to say something upon that. During my apprenticeship, and as assistant I compounded and filled prescriptions in the house I was in until I went into business on my own account.

115. You made up prescriptions?

Seeing there were no others in the country, that the chemists and druggists at that time were compelled to fill prescriptions and compound; apothecaries were so very few.

116. Was this in the country towns?

No, it was in Belfast.

(O.G.)

B 3

117. Surely

15th June 1888.]

Mr. CLOTWORTHY.

[*Continued.*]

117. Surely there were properly qualified chemists?
There were only one or two in Belfast.

118. Is that the case now?
There are only two apothecaries in Belfast.

119. There are only two in Belfast, is that so?
That I am aware of.

120. Only two persons in Belfast legally qualified to make up medical prescriptions?

There are a number of pharmacists that came into the business in 1875. They have on their register about 300 to supply the wants of Ireland. That is not quite sufficient to supply the wants of the country. We have almost 2,000 post towns in Ireland, and we consider it is quite inadequate.

121. How do you propose to remedy that?

I think that all old chemists and druggists should be registered as chemists and druggists free on examination; all those legitimate chemists and druggists I refer to. I do not refer to any others than legitimate.

122. You would entitle them to make up medical prescriptions?

Well, it is for your Lordships to consider that matter. I am only referring to what has been done in the country.

123. Although you suggested just now that the 300 members of the Pharmaceutical Society were wholly incapable of meeting the wants of the 2,000 post towns in Ireland?

Quite so, my Lord.

124. That is to make up medical prescriptions?

Quite so. Those pharmaceutical chemists are all located in Belfast, Dublin, and Cork, or nearly all.

125. How do you propose to remedy that state of things, because enabling you to be registered without any examination or without any fee would not get over that difficulty. You would still be legally incapable of making up a medical prescription?

Chemists and druggists may be still incapable in many parts of the country, but if the 1875 Act was established, this would not be so.

126. Quite so; so how would you meet the difficulty which you have suggested?

Under the proposed examination; I do not know why there should be any examination at all; they are only able to compound medicines, compound drugs and poisons, but not to dispense prescriptions. I am a manufacturing chemist, and compound poisons.

127. But do you suggest that chemists and druggists should be entitled to make up medical prescriptions?

The association does not press that matter.

128. I want to find out from you what is your proposed remedy for the difficulty which you said now exists in the inadequate numbers of persons qualified to make up medical prescriptions and compounds?

By registering the chemists and druggists according to the Act of 1875.

129. How would that get over the difficulty; that would not entitle them to make up medical prescriptions?

According to the present Act it would prevent them; the old Act of 1875 would not prevent them if they were registered.

130. The old Act of 1791?

The Apothecaries Act was a dead letter in the country for a long time; they never exercised their rights; therefore the chemists and druggists came in and supplied the wants of the people.

131. Is your argument that they should be permitted to carry on an illegal practice?

Not at all.

132. Then

15th June 1888.]

Mr. CLOTWORTHY.

[Continued.]

132. Then I really fail to see it?

Clause 15 provides, "That the Council may, by resolution, determine upon allowing certain persons to acquire the title of chemist and druggist, subject to such terms and conditions as the said Council shall think proper." Clause 16 provides for the examination.

133. Is there any other suggestion that you wish to make, besides that the old chemists and druggists should not be required to pass an examination?

The Pharmaceutical Act of 1875, according to its preamble, was passed to meet a great deficiency existing throughout Ireland of establishment of shops for the sale of medicines and compounding of prescriptions, and the great inconvenience thereby arises to the public in many parts of the country. This Act at once contemplated two or more main objects, viz. (a), to provide a class of skilled chemists (pharmaceutical chemists) who, by status and authority conferred upon them by the Council on their passing the required examinations, were empowered to undertake the larger portion of the work supposed to be formerly done by the apothecary; and (b) to create a second class of chemists, who were to be empowered to deal in drugs, poisons, &c., on passing a lower examination.

134. I do not think that that is the object of the Act. The lower class were to be entitled to make up medical prescriptions?

But they filled prescriptions. Chemists and druggists may have broken the law, no doubt.

135. Are you not misstating the objects of the Act as set out in the preamble?

I think not, my Lord.

136. The Act contemplated certainly the possibility of two grades being established, as we have in Great Britain, but it did not contemplate the establishment of two grades, one of which should be entitled to sell poisons, but not entitled to make up medical prescriptions?

The memorandum states the Act was passed for the purpose amongst others of preventing the sale of poisons by unqualified persons. That is rather incorrect, I think, my Lord.

137. What part of the statement is incorrect?

On referring to the preamble of the original Act we find no such statement. The reason why the Act was called into existence and passed was on account of the great deficiency of establishments and shops throughout Ireland for the selling of medicines and compounding of prescriptions. We would like the Act of 1875 established.

138. Are you in favour of what Mr. Rankin proposes, that the Council should create a second grade?

Yes.

139. But not such a second grade as is contemplated by the Act of 1875, but one which should not be entitled to make up prescriptions?

Quite so.

140. That is what you want?

Yes.

141. Then you do not want what was contemplated by the Act of 1875?

That is, chemists and druggists should have the provisions of that ascribed to them.

142. You are one of that ancient body, I presume?

I am one of that ancient body.

143. Earl of Metch.] I do not see how you get over the difficulty of providing people competent to make up prescriptions throughout the large number of post-office districts in Ireland. According to your statement just now, you do not

15th June 1888.]

MR. CLOTWORTHY.

[Continued.]

not wish the chemists and druggists to have the power of compounding prescriptions?

That is quite a difficulty.

144. I do not see what suggestion you make for increasing the number of duly qualified chemists who are legally entitled to make up prescriptions?

Increasing the number of duly qualified! Well, by the proposed amendments, and by the terms proposed, they only wish to give us a life interest in the business, and these would die out in time. If we do not get a continuity of the grade, chemists and druggists will be quite few in number hereafter.

145. Yes, but that is not meeting the difficulty which you suggested yourself. You say 300 is not enough for Ireland; how are you going to increase that number?

By creating a second grade called chemists and druggists.

146. The second grade, you said distinctly, were not to make up prescriptions?

Well, the chemists and druggists would not push the matter for filling prescriptions. They would want the compounding of poisons, however.

147. Compounding of poisons; yes, but you yourself stated you wanted more people to make up prescriptions?

If the Pharmaceutical Society will be able to qualify more in the country they have been unable to do so. They have been unable to fully meet the needs of the country.

148. You have no suggestion to make as to how you would increase the number from 300?

I could not make a suggestion.

149. Lord *Lingen*.] In a rural district, if a medical practitioner goes to a peasant's house and finds that he wants medicine, what happens? Does he write a prescription and leave them to go to the chemists and druggists, or does he not take a note in his own book and have it made up in his own dispensary when he gets home?

In some cases that is so. The doctor does that in some districts. He has a dispensary of his own in many districts, but that would not be sufficient to meet the wants of certain districts in the country. For instance, a party may travel 50 miles to get a prescription filled by a pharmaceutical chemist. You may take the county Down, and you may travel from Newcastle to Downpatrick, or Newry, or Belfast.

150. Would the more general practice then be for the doctor to say to the man's family, "The next time you go to market you must take this to the chemist and get it made up." Would that be the general state of things?

That would be the general state of things, but not always. It will not always do for a prescription to wait so long. Sometimes you want a prescription made up in a hurry, and that arrangement would not suit.

151. The doctor's own dispensary, at his own house, does not meet the case of the prescriptions that have to be made up in the rural districts?

It does not.

152. Lord *De Ros*.] Are there not, between Newcastle and Downpatrick, a great many dispensaries where they can get prescriptions made up?

There are no pharmaceutical chemists, except in Downpatrick, Newry, and Belfast.

153. I thought your argument was they could not get them made up between these places. Could not they at Dundrum?

I do not think there is a pharmaceutical chemist in Dundrum.

154. There is a dispensary, is there not?

They do not make prescriptions up in dispensaries.

155. *Chairman*.]

15th June 1888.]

MR. CLOTWORTHY.

[Continued.]

155. *Chairman.*] You do not mean to say that there is any difficulty whatever for a person obtaining an order for medical relief getting the necessary medicines at a dispensary?

I do not think the dispensaries lay themselves out for filling prescriptions.

The Witness is directed to withdraw.

MR. SAMUEL GIBSON, called in; and Examined.

156. *Chairman.*] WHERE do you reside?

I reside at Belfast, 62 and 64, Mill-street.

157. Are you carrying on the business of a chemist and druggist?

I carry on there the business of a wholesale chemist and druggist.

158. Is that the only business you carry on?

I am in the wholesale business.

159. You have listened to the evidence given by Mr. Rankin?

Yes.

160. Do you agree with what he said?

I agree with the bulk of what he said.

161. On what points do you not agree with him?

There are some small technical points upon which I would not agree with him.

162. Would you like to specify them?

With regard to the filling up of prescriptions, people cannot get prescriptions filled throughout the country at the present time. There are only about 200 persons qualified to fill prescriptions.

163. We heard there were 300 just now?

There are only 200 in business. There are some 500 licentiates of the society, but only 200 of those are in business on their own account.

164. Are you counting apothecaries?

There are very few apothecaries, except the doctors who have passed as apothecaries.

165. What do you suggest, because I have in vain asked Mr. Clotworthy for a suggestion as a remedy for that difficulty?

I consider that the simplest way of remedying the whole difficulty would be if the council would carry out the Act of 1875 in its entirety. If that had been done the country would not now be deficient in people to supply medicine and prescriptions.

166. Your suggestion is that the Act should be carried out in terms, and that the second grade which is there suggested might be created, should be created, and given the full powers not only of selling poisons, but of making up prescriptions?

Quite so, my Lord. If that had been done there would have been quite a quantity of people prepared to supply the necessary medicines throughout the country. That has not been done.

167. Should you suggest that the examination for the post of pharmaceutical chemist should be made more stringent than it is now?

From what I know of the examination, I believe it is pretty stringent. I have passed the preliminary examination of the Pharmaceutical Society, and have also passed the course of lectures necessary for going up for the final examination, and I feel myself quite competent to pass the final examination of the Pharmaceutical Society. The only reason I have not done so is on account of the bye-law of the Pharmaceutical Society requiring me to serve four years with a pharmaceutical chemist. Now it is not for me to leave my business, which is pretty large and extensive, to go to some pharmaceutical chemist to serve my time.

(O.G.)

C

168. The

15th June 1888.]

Mr. GIBSON.

[Continued.]

168. The point that I had in my mind when I put my question was this: The contention of the Pharmaceutical Council, as I understand, is that the examination which they require for the pharmaceutical chemist is the minimum of what is consistent with the safety of the public; and if that is the case, of course the second grade, which would have the same powers of sale, would have at least to pass that examination, and, therefore, if the pharmaceutical chemist degree is to be retained as it is in this country, simply as a sort of feather in a man's cap, it would necessitate that the examination for that should be increased in stringency and severity?

I consider the examination for a chemist and druggist, as laid down by the Act of 1875, would be quite a sufficient safeguard to the public.

169. Then you think that the examination for the pharmaceutical chemist in Ireland is now too stringent?

It is not too stringent for the pharmaceutical chemist.

170. It is not nearly so severe as the one in Great Britain?

Not altogether.

171. Is it more severe than that exacted in Great Britain for the minor examination?

I believe it is; but I have never, of course, studied the English examination papers.

172. With regard to the apprenticeship, are you an advocate of having no apprenticeship before the examination?

I should think that an apprenticeship with a chemist and druggist, who is a legitimate chemist and druggist, should be required.

173. How would you define a "legitimate" chemist and druggist?

I consider that I am myself a legitimate chemist and druggist in that I served my time to the trade.

174. Earl of Limerick.] How would you define yourself in an Act of Parliament?

That is the difficulty that the Pharmaceutical Society have been trying to overcome. In the first proposals they put to us the only definition they gave of a chemist and druggist was by the word *bona fide* before it. We objected to that, and said that it was no definition at all, and that the only way of defining it was by an examination.

175. Chairman.] Have you passed an apprenticeship yourself?

Yes; I served my apprenticeship to my father's business. Our business has been established for a long time in Belfast.

176. It is a wholesale business?

Wholesale and retail. I may say that I have always kept a pharmaceutical chemist until lately at our drug counter. The present man, though he is not a pharmacist, is quite as competent. He was with an apothecary for six or seven years.

177. Have you yourself had practical experience in making up prescriptions, and so on?

Oh, yes. I was five years at my father's counter.

178. Making up medical prescriptions?

Yes, under a pharmaceutical chemist.

179. Is that a usual thing for gentlemen in your position?

To serve a time?

180. To have had so much experience as you have had in the practical working of the business?

It is quite usual.

181. It is the rule, and not the exception?

I am speaking of the other wholesale businesses in the town. It has been the rule for people to serve a time to their trade. The young men that intended to carry on the business afterwards did that.

182. How

15th June 1888.]

Mr. GIBSON.

[Continued.]

182. How would you define chemist and druggist? There are, as you know, chemists and druggists, and chemists and druggists?

Yes.

183. And I suppose you would not suggest that an apprenticeship with any sort of chemist and druggist would be sufficient?

No; as it has been said, there are through the country some that have taken to the drug business as an auxiliary to their other business. Well, I would not consider those as chemists and druggists at all. I consider a chemist and druggist is really a man who has served his time to the business.

184. Earl of Meath.] Would you think a chemist and druggist a *bona fide* chemist and druggist who had any other business at the same time?

Oh, yes, if he has served his time particularly to the chemist and druggist business, and understands his business.

185. We have heard that some of these chemists and druggists sold whisky, and that whisky was the principal portion of their trade. Would you think a man who had served his time with such a chemist and druggist, and whisky dealer, was qualified to dispense and compound medicines?

One man might be competent, and another man might not be. I should say you should have an examination to test the abilities of the man.

186. We all agree as to the examination, but would you think that that would be a sufficient apprenticeship: four years to a man who sold whisky at the same time that he was compounding medicines?

Of course, if the young man had served his time particularly behind that man's drug counter, yes; but, of course, there would want to be some regulation to find that out; of course if he had been all the time at the whisky counter it would be different.

187. Would it not be impracticable to ascertain that; would it not be quite impossible to discover how much time a man had spent behind one counter, and how much behind another?

The examination should be able to discover when he presented himself for it as to his abilities.

188. Chairman.] You are falling back again on the examination?

I think the examination is the real test of the man's ability.

189. But in this case what you are proposing is that a license to practise should be given to these persons. Are you aware that a license to practise in any profession is never given unless persons have gone through a course of probation; there is no license to practise simply on passing an examination either to the legal, medical, or any other profession that I have ever heard of?

Of course I would continue that bye-law which provides that they should go through a course of lectures in chemistry, and certain other things at certain colleges named.

190. You would advocate their attendance at lectures, but you wish to eliminate the provision for their being four years apprenticed?

Yes, as regards apprenticeship to a pharmaceutical chemist.

191. Is there any other point?

The rights of chemists and druggists were reserved by Clause 31 of the original Act; and by Clause 5 of the proposed Act I consider that certain of those rights would be taken away.

192. In what way?

He would be described as a druggist; and the name, registered druggist, does not bear as much credit in the eyes of the public as chemist and druggist.

193. That is Mr. Rankin's point. We have heard that. I understand you to say you agree in that, that he would no longer be entitled to call himself a chemist and druggist; he would have to be called a registered druggist; and that you think would affect his position?

As far as I am personally concerned it would mean a great deal of money to

(C.C.)

C 2

me,

15th June 1888.]

Mr. GIBSON.

[Continued.]

me, because my labels, and my bills, and all things connected with my business have the word "chemist and druggist" upon them. Now, according to the wording of the Act I imagine I should have to destroy these.

194. Putting aside the question of how much it would cost you to print new ones, do you think you would lose any of your business in consequence?

I think so; I do not think the public would look up in the same manner to a "registered druggist" as they would to a "chemist and druggist;" and I also think that these peoples' interests were protected by the Act of 1875, and therefore it is rather strange asking them to pay two guineas as a fee, and also a guinea a year as an annual subscription to the society.

195. Supposing you were represented on the society, would that get over your objection on that point?

Certainly. We consider if we were taxed by the society we should have a representation on the council. I do not agree with Mr. Rankin in the number that he stated, seeing that chemists and druggists throughout the country are far more numerous than the pharmaceutical chemists; I think they should have a larger representation than he suggested. He suggested one-fourth. Now there are about 2,000 *bona fide* chemists and druggists, I should think, throughout the country, and there are 200 pharmaceutical chemists; so that I do not think that one-fourth would be a proper representation.

Mr. Rankin.] If I might be permitted to explain, I should say that one-fourth was in reference to the chemists and druggists alone. I said a fourth of the chemists and druggists of Ireland were of the old class, provided in the Bill of 1875.

Chairman.] But you also said what Mr. Gibson has just now said, that the representation you demanded for your body was one-fourth.

Mr. Rankin.] Quite so, my Lord.

196. Earl of Meath.] What is the proportion that you think ought to be on the council?

I should think equal.

197. Chairman.] Is there any other point?

The only other point is that this Act of 1875 was framed upon the basis of the English Act of 1868. That is what I consider was the intention of the Act. By the bye-laws the society have framed they have nullified that altogether, made it to bear quite a different meaning from what I believe the framers of the Act intended it to bear.

198. In what way?

I believe that the framers of the Act intended that there should be two grades.

199. But we have just now had our attention directed to that; it is quite clear to anyone accustomed to read an Act of Parliament that the option was left to the council?

I believe that these optional clauses were inserted after the Act had been framed.

200. We cannot go back further than the Act as we find it in the Statute Book?—

201. Earl of Limerick.] Is your objection that this proposed Act creates a body of druggists who would occupy an inferior position to the chemists and druggists contemplated by the Act of 1875?

Quite so.

202. And would they be in an inferior position in any other manner; they would not be able to dispense?

They would not be able to dispense.

203. Or compound?

Or compound.

204. Would

15th June 1888.]

Mr. GIBSON.

[Continued.]

204. Would those under the Act of 1875 be able to dispense and compound? Yes, if the Pharmaceutical Council had carried out the Act and registered the chemists and druggists they would have been entitled to dispense prescriptions.

205. That would have been under Clause 30?

Either 30 or 31.

206. Lord Lingen.] Would your proposal be if you had these two classes, the pharmaceutical chemists and the chemists and druggists both registered, that you should have precisely the same power of selling drugs and of compounding and making up prescriptions, or do you draw any distinction between them?

I would have it just as it is at present in England; the powers are almost the same.

207. So that the practical advantage of being a pharmaceutical chemist instead of a chemist and druggist would be that it afforded a better accommodation to the public?

Quite so.

208. Chairman.] You would be quite prepared, I suppose, that this new class to be created should pass through an ordeal similar to that which they would have to pass in Great Britain?

Yes, taking into consideration the differences in the countries, of course.

209. Men are equally liable to be poisoned in both countries, are they not?

Yes, but although there have been such a number of what are called unqualified dispensers through Ireland there have not been many people poisoned. I think there are more people poisoned in England than in Ireland in proportion to the population.

The Witness is directed to withdraw.

Mr. JOHN H. SHAW, is called in; and Examined.

210. Chairman.] Do you carry on the business of chemist and druggist? I do.

211. Any other business?

No other business.

212. Wholesale or retail?

Retail.

213. Exclusively?

Exclusively.

214. Have you listened to the evidence given by Mr. Rankin and Mr. Gibson?

I have.

215. Do you agree?

In the principal points.

216. Will you kindly state on what points you do not?

On the passing of the English Act, 1868, all who were then acting as chemists and druggists were registered as such without examination, and I believe the same provision was made in the Irish Act of 1875, and I cannot see why it should not be carried out. I believe that men who have been in their business for a number of years, and have acquired a certain status, is guarantee enough that they are capable of performing their business.

217. The Irish Act does, and this proposed Act does also, provide that those who have been carrying on business up to 1875 shall be registered without examination; rightly or wrongly, that is the provision in the Bill?

The provision of the present amended Bill?

218. Yes?

I think it says those who have gone into business since 1875.

(O.B.)

c 3

219. They

15th June 1888.]

MR. SHAW.

[Continued.]

219. They will have to pass examination?

Yes.

220. And those who were before 1875 have not?

The Irish council, my Lord, did not carry out the intention of that Act. They took no notice of the chemist and druggist; they have been living alone ever since that, and our association represents the legitimate offspring of the chemists and druggists, the North of Ireland Chemists' and Druggists' Association. I can remember many years ago my governor telling me that the chemists and druggists were going to be put in a better position than they had been, they were going to be legalised, and they would have the power of making up prescriptions, but we found after the council were put in operation that that was taken no notice of whatever.

221. All your existing rights were preserved; you had not the right to make prescriptions, and it was not given to you, but all your existing rights were preserved?

I believe the supply to the country would be met by a more modified examination, and by taking away the four years' clause of the service with the pharmaceutical chemist.

222. Are you an advocate for having no apprenticeship at all?

No.

223. What would you substitute?

Service to either a chemist and druggist or a pharmaceutical chemist.

224. But would you still exact four years' apprenticeship?

Yes.

225. Would any chemist and druggist do for that purpose?

Yes; I should say that any chemist and druggist recognized by our association.

226. But unless they had the good fortune to belong to that, you would exclude them?

Well—

227. Earl of Meath.] May I ask you would you admit to your association, as a chemist and druggist, a person who sold medicine as the principal part of his business?

If we found he had served his time legitimately in the business, we would admit him as a member.

228. As a matter of fact you would admit any gentleman who was carrying on the business of a chemist and druggist at the same time when he was carrying on another business, would not you?

Exactly, my Lord; if we found that he was legitimately entitled to do it; that is, had served his time to an old chemist and druggist.

229. Served the four years' apprenticeship?

Quite so.

230. Although that four years may have been spent behind the whisky counter?

Generally people who serve their time at that class of business, do not take upon themselves the responsibility of selling drugs. We find throughout the country, where men have whisky in one counter and grocery in another, and so on another, that they employ what they look upon as a qualified assistant to take charge of that counter.

231. But not in all cases, do they?

So far as I am aware they do.

232. Lord De Russ.] In order to protect themselves?

And the public as well.

233. Chairman.] Is your proposition this: that the grade of chemist and druggist

16th June 1888.]

MR. SHAW.

[Continued.]

druggist should be retained, as was proposed in the Act, and that they should be not only entitled, as they are now, to sell poisons, but also to dispense medical prescriptions?

Just so.

234. Subject to their passing a modified examination?

Yes.

235. And four years apprenticeship with yourself or any other chemist and druggist?

Yes.

236. And that, you think, would be consistent with the safety of the public? I believe it would.

236*. Is there any other point?

I believe with Mr. Gibbon that we should have a larger representation on the Pharmaceutical Council.

237. You have none at all now, as I understand?

I believe, considering our numbers throughout the country, and the numbers of the pharmacists, that a half would be about a fair representation, larger than represented by Mr. Hanklin.

238. You would have to change the name, would not you. You could hardly call it Pharmaceutical Council, when half of them were pharmaceutical chemists?

It is called that in England.

239. Is there anything else you wish to add?

I think there is one point which has not been mentioned yet. "It is also desirable that chemists and druggists, in common with pharmaceutical chemists, should not be called away from their business to serve upon juries." That would be hardly germane to the object of this Bill.

MR. ROBERT JAMES DOWNES, is called in; and Examined.

240. *Chairman.* You are a Licentiate of the Pharmaceutical Society?

Yes.

241. And you carry on your business at 136, Lower Baggot-street, Dublin?

Yes. I am also a chemist and druggist, whose rights have been reserved under the previous Acts, and manage the business of Mr. John Brooks, who is also a chemist and druggist, and he wished me to put before you that he would himself have appeared before the Committee, but he had no intimation of this Bill, and knew nothing at about it all until he read the letter of Messrs. Casey & Close in the "Irish Times" yesterday. He says it has not been before the public, of which the letter is proof, and he himself knew nothing of it; he is the second oldest chemist and druggist in the City of Dublin. He has been 41 years in the trade himself, and he considers that this Act would actually put him out of business; that it would deprive him of his right to trade as, and his title of, chemist and druggist, which he has been using all that time.

242. How does it deprive him of his right to trade?

It puts him out of the business, practically, in the first place, and then it would admit him upon certain conditions.

243. I do not quite follow you; how does it put him out of the business; how does it affect his business?

He could not trade as chemist and druggist, which he has been doing for 41 years.

244. The only alteration it would make in his business is altering his title, if he has the title now, of chemist and druggist to that of "registered druggist"?

It would only admit him to—

(O.B.)

C 4

245. Is

15th Janr 1888.]

Mr. DOWNES.

[Continued.]

245. Is that the only alteration it would make?

It would depreciate the character of his business.

246. Pray give me an answer to that plain question; is the only alteration which the proposed Bill would make in Mr. Brooks' business that it would alter his style from that of "chemist and druggist" to that of "registered druggist"?

To that of "registered druggist," and he considers that would be a deprivation of his existing rights, and he would only be permitted to do that upon the conditions here, which he considers are very gross in the selves; that is, in addition to his own statutory declaration that he has been in business, he must have a statutory declaration of two medical men to support his own statutory declaration.

247. Where do you find that?

In Sub-section 2 of Clause 5, and also that he should pay a fee of two guineas.

248. That clause exacts a certain amount of proof that the chemist and druggist who claims to be registered as such, on the ground that he was practising his business before 1875, shall give some satisfactory proof that it is the case; what is the hardship of that?

He considers that his own declaration should be quite sufficient.

249. Supposing it is quite sufficient, and I take it for granted that it is, I do not see any reason to doubt it, does he think that that would be sufficient for all the others in Ireland?

If they have been 15 years in business.

250. How are you to know whether they have been or not, unless they give some kind of proof of it?

Their own declaration ought to be sufficient, if they are men of respectability.

251. Your suggestion, then, is that his statutory declaration should not require to be supported by the statutory declaration of two medical men?

That is so.

252. Does he think that derogatory to his position?

In my own case, I was in business at the passing of this Act, and my rights were reserved as chemist and druggist, and I could not get two medical men to certify. Besides that, he would have to pay for the medical declaration.

253. Then your suggestion is that it should not be necessary that there should be added to the statutory declaration of the applicant that of two legally qualified medical practitioners; is that your point?

He objects that such declaration should be required to support his own declaration, and my own objection is that the medical practitioner is not the most qualified person necessarily to support that declaration, and any other respectable townsman would be equally as good. The medical man has no special call to favour the chemist and druggist. He has the pharmacist or the apothecary perhaps.

254. Can you suggest an other householder who would be more likely to be qualified to give such a certificate than a medical practitioner?

If a declaration requires to be backed, I think it should be open to any respectable witness.

255. What is your other point?

Our other point is, that the Act empowered the Pharmaceutical Society to register those chemists and druggists, and they failed to do so, and that they should not be called upon to pay two guineas for registration, supposing he complied with the other.

256. Where does the Act compel them to register?

Their rights are reserved, and under section 16, sub-section 8, they are called upon to do generally such other matters as may be necessary to the due execution of the Act. The registration of those chemists and druggists was

one

15th June 1888.]

Mr. DOWSES.

[Continued.]

one of those things necessary for the execution of the Act, and, failing to do that, the society have suffered.

257. Where do you find anything in the Act about registering those chemists and druggists who existed previous to 1875?

I think this Sub-section 8 provides for it.

258. I do not see anything of the kind. There is not a word about registration is it?

They are to make regulations here to do all things necessary for the due execution of the Act.

259. There is nothing in the Act about registering?

Twenty-four and 27 provide for the making and keeping of a register.

260. Pardon me, but that is confined to persons registered as pharmaceutical chemists, or as chemists and druggists respectively under this Act?

Those whose rights are reserved are chemists and druggists under the Act.

261. I cannot agree with you in your construction of the Act at all. At any rate out of what funds do you propose that the Pharmaceutical Society should do all those things if you are not to pay those subscriptions?

They have a subscription of membership, and these chemists and druggists will be competent to be elected as associates of the society, and to have a voice in the management of the society if they were so registered under Section 18.

262. Earl of Limerick.] Is it one of your objections, therefore, that under the proposed Act of this year they would have no representation?

That will come in with reference to Sub-section 4 of Section 6, but they have no representation under that.

263. Although they pay certain fees?

They pay fees, yes.

264. Whereas a registered chemist and druggist under the Act of 1875, if there had been any such registers, would have a right of representation?

They would, yes, but would not have a voice on the council; but they would have liberty to attend the meetings and vote, and take part in the meetings of the society.

265. *Chairman.*] There is nothing in the Act of 1875, is there, to entitle a chemist and druggist to sit on the council?

No, not on the council. It only provides that they should be associates and have a voice in the meetings of the society.

266. Earl of Limerick.] That is under Clause 18?

Under Clause 18, yes.

267. "Every person so elected and continuing as such associate, being in business on his own account, shall have the privilege of attending all meetings of the said society, and of voting thereat, and otherwise taking part in the proceedings of such meetings in the same manner as members of the said society; provided always, that such associates contribute to the funds of the said society the same fees or subscriptions as members contribute for the time being under the regulations thereof."

Yes.

268. *Chairman.*] As that grade was not created, that section does now apply; now what is your other point?

Our other point is the question of continuity; that our business is not to be interfered with. One of the most important matters is that we should carry on the business as we have hitherto done, which is, by means of an apprentice, which would of course enable them to continue. When the grade of chemist and druggist was not adopted by the council we were in a sense disabled in regard to apprentices; we were interfered with, not through the Act itself, but through the regulations which the society have adopted, and which have the approval of the Privy Council, and are consequently in force for the present as part of

(9.6.)

D

the

15th June 1888.]

Mr. DOWNER.

[Continued.]

the Act. I am informed that Sir Dominic Corrigan was entirely opposed to the apprentices, and said he would let the Act drop through if there was any room for them, and the clause here, of Section 21, provides that "all persons desirous of being registered" may present themselves for certain examinations, and the examination was to be the test of their qualification. The regulation requiring apprenticeship and attendance at particular lectures prevents our apprentices coming in under this section of the 21st Clause, and the wording of that was, I believe, framed in part to allow of chemists and druggists being gradually absorbed into the Pharmaceutical Society.

260. Then you advocate the examination alone should be the qualifying list?

It is so by the Act of Parliament.

270. Are you aware that the Pharmaceutical Society of Great Britain are of opinion that that is a wholly inadequate test, and are now endeavouring to give their best wishes to the passing of an Act which has for its object the removal of that?

I have heard it is so, and that there is considerable opposition. As regards the Act, it works against the chemist and druggist. His trade is being interfered with because the apprentices, when they are out of their time, have no trade to follow; they are not admitted to the Pharmaceutical Society's examination, because they have not served four years to a pharmaceutical chemist.

271. Then your proposal is that all qualification, except the examination, should be done away with; is that so?

That is the test which is provided for in the Act of 1875. But if the apprentices of the chemists and druggists, who have a right to carry on the trade as such, were admitted to the examinations, so that they would in time be absorbed, I should myself see no objection to the regulations of the society. I think the apprenticeship and examination are beneficial; I am not opposed to them, in fact, but I am opposed to it as harring out parties who are in a fairly competent training to become pharmaceutical chemists. The apprentice clause implies, if its value is anything, that the apprentice is compounding during his four years; if he is not, of course, he is getting no better advantage than if he were in a chemist and druggist's establishment, and it is not contemplated in the Act that apprentices, or persons unqualified, should compound in pharmaceutical establishments.

272. You have some objection, I understand, to Clause 12?

Yes; that is the one which personally affects myself. As a licentiate without capital, and being in a favourable position, as manager for Brooks & Co., I have myself rented a portion of Messrs. Brooks' establishment, for the purpose of carrying on, on my own account, the business of a pharmaceutical chemist, and I have been doing so, and this Clause 12 would, of course, as it stands, stop my doing so.

273. You carry on the business on your own account?

On my own account, on a portion of the premises of Brooks & Co.

274. Do you think you would come within the provisions of this clause?

It is that Mr. Brooks would be debarred from letting me the portion of the establishment which I now occupy.

275. Are the drugs you sell your own?

Yes.

276. And it is all under your own management?

All under my own management.

277. "It shall be unlawful for any registered druggist to keep open shop for the retailing, dispensing, or compounding of medical prescriptions, or to allow any part of his shop or premises to be used for that purpose." That, you think, is the part that strikes you?

That is the clause which I believe would strike me.

278. Then

16th June 1888.]

Mr. DOWDES.

[Continued.]

278. Then if there were a proviso there: "except it is *bona fide* conducted by a duly qualified person?" would that get over your difficulty?

I do not want to qualify my principal. I do not want that he should put somebody in as his assistant to manage it as a branch of his shop; but my position is that, renting this place, and compounding on my own account, and for my own profit, I am doing what is perfectly within my rights as a licentiate of the society. This clause here will prevent Mr. Brooks from renting to me a portion of the shop I now occupy.

279. Lord *Lingen*.] You are qualified under the Act of 1791 as a licentiate? I am a licentiate of the Pharmaceutical Society of the Act of 1875.

280. *Chairman*.] You are quite right, under the Act of 1875? Yes.

281. And you keep this shop entirely on your own account on the premises of Mr. Brooks?

Quite so.

282. And you think you would come under that "or to allow any part of his shop or premises to be used for that purpose"; that is the purpose of retailing, dispensing, or compounding of medical prescriptions?

I do.

283. Is that a common case?

There are several instances of it. The history of the case probably is this. When this Act was passed there were several licentiates who had partners (Boyd and Goodwin and some others) I forget their names at the moment, and they immediately commenced as pharmaceutical chemists. After a period of time, others, of course, seeing them do so (Mr. Brooks' previous partner was one, and there were others), passed the examination of the Pharmaceutical Society, and commenced compounding prescriptions under the name of the firm, "Boyd and Goodwin," and "Brooks and Co." The Pharmaceutical Society then seeing some objection, put a question, I believe, to Mr. Purcell, Queen's Counsel, who gave his opinion that the qualified member did not qualify the unqualified member in the partnership, and that consequently Brooks and Co., or Boyd and Goodwin, could not compound prescriptions, although Mr. Goodwin was a personal manager of the shop, and Mr. Boyd was never in it; and although Mr. Grindley was the personal manager of Brooks and Co., and Mr. Brooks never put his foot in it; and after some time this case seemed to be gone into with some zeal by the council of the society, and Mr. Grindley withdrew from Brooks and Co., and cautioned Mr. Brooks that he would be prosecuted if he attempted to carry on compounding prescriptions under the same system as he had done with Mr. Grindley as a partner. Consequently we dropped the prescriptions for a time, and of course our business was very materially injured. Then a case was put before counsel; a portion of the shop rented, as I am doing, and it was argued (I do not know that it went into court), but it was argued by counsel, and it was decided that a pharmaceutical chemist renting a portion of a shop, for keeping an open shop, was qualified to do so. Following that advice, Mr. Brooks rented a portion of the shop to me, and I carry on the business now on my own account within the premises of Brooks and Co. for my own benefit. Mr. Brooks has no share in the profits whatever. I consider that I am, of course, as a licentiate of the society, deriving a profit that I am entitled to; that is, to make the best of my talent where I can, and that I am satisfying the want of the public in my neighbourhood; and in that way many a licentiate who at present is not able to open a shop might be able to meet the very want that you are trying to meet, of having qualified chemists throughout the country.

284. Earl of *Meath*.] Have you any suggestion to make as to how the clause should be altered?

I think that portion of the clause should be struck out, "or to allow any part of his shop or premises to be used for that purpose."

15th April 1868.]

Mr. DOWNES.

[Continued.]

285. Lord De Ros.] To put in the words, "except conducted by a duly qualified person"?

No, my Lord, because in my position I am renting it, of course, in my personality, and whoever else did it should rent it upon their own account, and carry it on as a pharmaceutical chemist; and with reference to the question which his Lordship has suggested, I think it would be very proper to substitute in that clause "that the business of the pharmaceutical chemist, or of chemist and druggist, should not be carried on on premises licensed for the sale of intoxicating liquors. I think it would be a much more applicable clause.

286. Earl of Meath.] What would be the wording of the amendment to that clause that you propose?—

287. Chairman.] To erase those words, "or to allow any part of his shop or premises to be used for that purpose"?

I think the whole of that clause might be struck out, because the words "unlawful for any registered druggist to keep open shop for the retailing, dispensing, or compounding medical prescriptions, actually might bar a registered druggist who happened to be a pharmaceutical chemist.

288. It is unlawful for him to do so now?

It is not necessary. I would suggest it should be, that it shall be unlawful for the business of a pharmaceutical chemist, or a chemist and druggist as described under the Act, or this Act, to be carried on on premises licensed for the sale of intoxicating liquors.

289. You think it would be a desirable thing if it can be done?

I think it would be a very important clause both for the Pharmaceutical Society, for the registered druggist as such, and for the safety of the public.

290. Chairman.] I should like to ask Mr. Rankin a question. Do you think that a clause such as that which has just now been suggested, prohibiting the business of chemist and druggist being carried on in a shop licensed for the sale of intoxicating liquors, would be an objectionable one from the point of view of the trade; I mean the trade of chemists and druggists?

(Mr. Rankin.) Yes, my Lord, I believe that would be right.

291. You would be in favour of that?

(Mr. Rankin.) Yes, I agreed that a chemist and druggist should be a *bona fide* chemist and druggist according to the Act.

292. Chairman.] Now, Mr. Downes, is it a common practice in Ireland for the business of chemists and druggists to be carried on in houses licensed for the sale of intoxicating liquor?

I think it is becoming so, that is, for the sale of drugs and poisons.

293. In the country districts?

In connection with grocery establishments both in the city and country.

294. That arises, I suppose, to a certain extent from the grocery business and the licensed business being in Ireland generally connected?

Yes, working together.

295. It is more as grocers' shops than as whiskey houses that they sell chemicals, I suppose?

Yes, they have the retail license in connection, and the assistant probably attends to the whole; and temptations and so on are very much in his way.

296. A clause such as you are suggesting would be of a very sweeping character, which would affect a great number of businesses, would it not?

Only, I think, so far as what we would call illegitimate traders in drugs at the present time; that is, men who have crept into the business while the Act has been, so to speak, in abeyance: grocers in business seeing an opportunity of adding on drugs, and, of course, extending it.

297. Lord Lingen.] Where whiskey is sold in these shops it is not consumed on the premises, is it?

I believe

1844 June 1888.]

MR. DOWNES.

[Continued.]

I believe in many places through the country the retail shop is in connection with groceries.

298. Earl of *Meath*.] It sometimes happens, does it not, that deadly poisons are sold in whiskey bottles?

Yes.

299. Without removing the label?

It is a matter which I fancy there is some Act to prevent even pharmaceutical chemists from doing. Whiskey bottles and other bottles are handed in, and you must put the stuff into whatever bottle is handed. I think there should be some Act or some assistance to the chemists and druggists to enable them to refuse using these bottles when they are handed to them.

300. *Chairman*.] Have you ever turned your attention to the Sale of Poisons Act, 1871. There are certain poisons which are to be put into distinct bottles?—

301. That provides that the poisons mentioned in the schedule are to be sold under the Drugs Regulations?

I am aware of that, my Lord. But I do not think there is a clause prohibiting the use of ordinary bottles.

302. Lord *Lingen*.] The customer brings the bottles with him?

Brings the bottles, and you put it into it and you label it.

303. Turn to Section 2 of the Poisons Act of 1874, and you will find it says, "It shall be unlawful to sell any poison either by wholesale or by retail unless the box, bottle, vessel, wrapper, or cover in which such poison is contained be distinctly labelled with the name of the article and the word 'poison,' and with the name and address of the seller of the poison, and it shall be unlawful to sell any of the poisons which are named in the first part of the Schedule A. to this Act to any person unknown to the seller unless such person is introduced by some person known to the seller?"

That only requires that we should put a distinctive label with our name and address.

304. You put the name and address on the whiskey bottle?

Yes, it is frequently done. Speaking of my own knowledge, I know that it is always done in my business; I cannot speak as to what goes on outside; people bring whiskey bottles or porter bottles, and you put the label on.

305. It would be very desirable, I suppose, that the bottle in which the poison is sold should be of a different colour to what is ordinarily used, or of a different shape?

My idea is that the clause should prohibit putting poison into bottles which are used for edible or drinking purposes, such as porter bottles, whiskey bottles, sauce bottles, and the like.

306. Lord *De Ros*.] Or, in other words, you would have a special bottle for the poisons?

That might be, but it might be difficult to fix. My idea would be to prohibit the use of bottles for poisons which bottles were in use by the public for drinking purposes.

The Witness is directed to withdraw.

Adjourned for a short time.

15th June 1888.

MR. JAMES EDWARD BRUNKER, is called in; and Examined;

307. *Chairman.*] What is your address?

68, Grafton-street, Dublin.

308. You are the President of the Pharmaceutical Society of Ireland?

Yes.

309. I believe the Bill now before the House has their assent?

It has; it is the result of the deliberation to my knowledge of the last 10 years.

310. Can you give us a short account of how it came to be necessary to bring it forward?

Soon after the council of the Pharmaceutical Society of Ireland began to administer the Act of 1875, they discovered a defect in the Act from the want of power under section 31 to register those chemists or druggists who were practising, as such, in Ireland on their own account at the time of the passing of the Act. It was impossible to define who those persons were, and from that day to this we have been urging upon the Government the necessity of giving us power to register those persons. We were given power to form a register, that register was a register of pharmaceutical chemists and druggists; but the council decided upon not having two grades. The registration of those persons was strictly confined to examined men. We had no power whatever to register persons who had not submitted to an examination. Those men who were protected by the 31st section, to a large extent, availed themselves of the provisions of our Act and submitted themselves for examination, and became pharmaceutical chemists. I think it is estimated that about 200 at all events of those who were registered as pharmaceutical chemists came under the head of persons who, if they had not availed themselves of our Act, would have had their rights reserved under the 31st section. We have found it impossible to administer the Act throughout the country owing to the difficulty of defining who those persons were, because the onus of proof was placed upon us that they were not entitled to avail themselves of the 31st section.

311. It was not for them to show that they were so entitled, but for you to show that they were not?

The onus of proof was upon us to show that they were not.

312. And that you found a great difficulty?

In administering the Act, in fact, it rendered the Act nugatory; because we were not financially in a position to run the risk of failures in these cases, because we found that where we did prosecute to conviction successfully, the expenses so far exceeded the fines levied, that it was impossible for us to carry on.

313. What were your prosecutions for?

Most of the prosecutions that we have instituted were for illegal dispensing, that is against persons who are not pharmaceutical chemists dispensing illegally; but in a few cases we have prosecuted for breaches in the Poisons Act, that is for the non-observance of the provisions required in the Act to be observed in making sales. About three years ago great pressure was put upon us to put a stop to the neglect of the Poisons Act, and we instituted some prosecutions in the county of Meath. We were quite successful. The full penalties were inflicted in four cases, and yet, though we got a small amount of help from local persons, those prosecutions cost us 17 L., which to our small income was a very serious thing. As a specimen of how poisons are dealt with in the country, I place before your Lordships two specimens that were got by our inspector at the time those prosecutions were instituted; prosecutions were instituted upon those two specimens (exhibiting the same). These, I may tell your Lordships, were sold in a public-house, over a separate counter. That contains arsenic, that contains corrosive sublimate. Those are specimens of the trade that is being done throughout the country and which we are quite unable to cope with.

314. The

15th June 1888.]

MR. BRUNNER.

[Continued.]

314. The prosecutions was for contravention of the Poisons Act?

For contravention of the Poisons Act; three different offences. Arsenic required to have the full provisions of the Poisons Act observed; that is, that the person buying should be introduced by a person known to the seller; that it should be labelled with the name and address of the seller; and with the word "Poison;" all three regulations being unobserved.

315. The Arsenic Act extends to Ireland?

It does, my Lord; it was the only restriction on the sale of poisons in Ireland prior to the Act of 1871. That Act is an extension of a portion of the English Pharmacy Act to Ireland, but it was never put in force, because there was nobody at the time to enforce it. Our body had not then been constituted, so that for five years after the Poisons Act was placed upon the Statute Book it was a perfect dead letter, because no one would administer it. The police authority refused to act.

316. On what ground did they refuse?

I have some of the correspondence here from the county inspector of Armagh, which arose out of a poisoning case there.

317. Lord De Ros.] What is the date?

June 1886. A poisoning case took place there. A woman entered into an unqualified person's place, bought some strychnine, took the poison and died. The depositions were taken by the coroner, indicating not only that the poison had not been sold by a qualified person, but that the provisions of the Poisons Act had been entirely overlooked. We wrote to the county inspector, and he replied on the 20th June, "I have the honour to acknowledge receipt of your letter, dated 19th instant, having reference to the sale of strychnine by one John Gray, druggist, English-street, in this city, and to inform you that I shall have inquiry made about the matter;" and on the 19th July he writes, "In reply to your letter of the 16th ultimo, which pointed out the regulations to be observed in the sale of poisons, and suggesting that the police authorities should institute proceedings against one John Gray, druggist, English-street, Armagh, for selling strychnine to a Mrs. Eliza Donaldson, I have to inform you that I referred the subject to the proper quarter and have been informed that the case should not be prosecuted by the police." On the receipt of that communication we gave up all hope of obtaining any help from the police authorities, and we have done so for some years. I may mention that in 1883 the Privy Council of Ireland appeared to have awakened to the position of matters, and they addressed to us the following communication: "A communication having been received from the Lords of the Privy Council in England stating that the question of the amendment of the Pharmacy Act, 1868, is now under consideration, I am desired to request that you will move the Council of the Pharmaceutical Society of Ireland to acquaint me, for the information of the Lords of the Council: (1.) Whether the provisions of the 'Sale of Poisons (Ireland) Act, 1870,' so far as regards the sale of poisons to persons unknown to the seller, are generally observed in Ireland; and, if so, whether any inconvenience has been caused thereby: (2.) Whether it is considered desirable that any alteration should be made in the existing laws by the amendment of the 'Sale of Poisons (Ireland) Act, 1870,' or the 'Pharmacy Act (Ireland), 1875.'" To that very full replies were furnished to the Privy Council upon returns which we received from our licentiates in different parts of the country. We have a list of persons, country druggists and grocers, hucksters, ironmongers, and spirit dealers throughout the country selling poisons. We were in hopes at that time that the Government would do something. Nothing was done until Mr. Trevelyan was Chief Secretary, and he received a deputation from our council. We very fully laid our views before him, and he almost undertook to introduce a Bill in the following Session. That was in February 1884. Sir Michael Hicks Beach, who was, I may say, the father of the Bill of 1875, as he had the carriage of it in the House of Commons, came over as the Chief Secretary and we asked for his assistance. His reply was that the Government's hands were so full they could not

(O.G.) D 4 undertake

15th June 1888.]

Mr. BRUNNER.

[Continued.]

undertake it, but it should be done by a private Member. We at once set to work preparing our Bill, and your Lordships have the result before you.

318. You have heard the objections which have been taken by gentlemen from the north of Ireland to the Bill; have you made a note of them as they went on?

I have before me the printed amendments which they proposed; perhaps your Lordship will allow me to deal with them; but I should mention to your Lordship that before the passing of the Act of 1875, pharmacy in Ireland stood in an entirely different position to what it did in England before the Act of 1868. In Ireland, by the old Apothecaries' Act of 1794, a close monopoly had been given to the registered apothecaries; they alone were entitled to dispense medical prescriptions in Ireland; there was no restriction on the sale of poisons until the introduction of the Act of 1870. Prior to 1875, it was found that the licentiates of Apothecaries Hall, instead of confining themselves as they had formerly done to keeping shop for the sale of poisons, became medical practitioners and withdrew very much from the business of dispensers to the public. A great want was felt through the country of qualified dispensers, and as your Lordships have heard already to-day, the law was openly broken all over the country; the law had not ceased to exist; the Apothecaries Hall Company still had the power to enforce the law, but it was so encumbered with expense that it was practically a dead letter. The law could only be enforced in the superior court at very great expense; the pharmacists were then constituted under this Act of 1875, who are the legitimate successors of the apothecaries.

319. Not quite the successors, are they; they existed conjointly with them?

The apothecaries are still in existence; but as now, under the conjoint scheme every apothecary is also a surgeon, they are not going into the business of keeping open shop. That is under the conjoint scheme established the other day. I may mention when we hear that there are only 350 pharmaceutical chemists keeping open shop, there are still a good many survivors of the old apothecaries carrying on business through the country; the Apothecaries' Hall has estimated them as high as 500. I do not think there are so many as that. I think if you take it about 300 still carrying on business it would be nearer the mark. As regards the compounding of prescriptions our licentiates, whether pharmaceutical chemists or chemists and druggists (had we decided upon having that grade), are the direct successors of the apothecaries, and alone are entitled to dispense medical prescriptions. Mr. Hayes, who was a member of the original council, thought it advisable to have only one grade. I myself think they were very wise in that. Because had they adopted two grades, the examination that they must necessarily have fixed for the minor grade as in England, would be very much on a par with the examination we now have for pharmaceutical chemists. Our examination is, I believe, a little more advanced than the minor examination in England, but very little. Had we the two grades we could strike off a little of our present examination to suit the minor candidates, and have the other advanced considerably to come up to the major examination in England, so that when gentlemen say they are injured by not having a simple examination for chemists and druggists, they are not really injured at all, because if we had chemists and druggists, they would have to submit to an examination very much like what we have now, which would be the very minimum that in the interests of the public would be sufficient.

320. Earl of Limerick.] Does not Clause 21 of the Act of 1875 provide what the difference between the examinations shall be?

No; the subjects are the same: "All persons desirous of being registered as pharmaceutical chemists under this Act may at any such examination present themselves for examination, and they shall be examined with respect to their knowledge of the Latin and English languages, of arithmetic, of botany, of materia medica, of pharmaceutical and general chemistry, of practical pharmacy, of the British Pharmacopoeia, and of such other subjects as may
from

16th June 1888.]

MR. BRUNNER.

[Continued.]

from time to time be prescribed by any regulations made in pursuance of this Act."

321. That is as to pharmaceutical chemists?

Now I pass on to chemists and druggists: "And all persons desirous of being registered as chemists and druggists under this Act may at any such examination present themselves for examination, and they shall be subjected to such a modified examination with respect to their knowledge of the subject aforesaid."

322. Go on?

"As may from time to time be prescribed by any regulations made in pursuance of this Act."

323. Go on?

"Provided always, that such examinations shall not include the theory and practice of medicine, surgery, or midwifery." That is altogether outside our scope; that is a qualification of the examination of pharmaceutical chemists as well as chemists and druggists.

324. *Chairman.*] The Act applies to examination both for the pharmaceutical chemist and the registered chemist?

Those are purely medical subjects with which we have nothing to do.

325. *Earl of Lismore.*] You contend that practically it would be impossible to make any difference between the two?

The difference would be such as they have in the English society, the difference as to the extent to which they would be examined in these same subjects; it would be perfectly absurd to suppose that a man should be required to submit to such an examination to qualify him for selling poison over the counter. The examination that we propose for the registered druggist will fall very far short of that.

326. *Lord Lingen.*] Would you hold yourself bound by the words of this Clause 21 to examine, for the chemist and druggist's degree, in every one of the subjects that are named in the preceding clause?

Yes, my Lord; we have always held it so, and we have been advised so since we began the working of the Act.

327. Would you say, for instance, that in order to be tolerably safe, or to be safe in making up a medical prescription, it would be necessary to examine an acting practitioner in the Latin and English languages, and in botany?

Yes; absolutely necessary. Still, even up to the present day, nearly all prescriptions are written in Latin. Botany is a very necessary subject; for no man will be qualified to undertake the business of a dispenser unless he is fairly well acquainted with botanical drugs, their uses, their active constituents, and their strength.

328. Although the prescription allows him no discretion, supposing he can identify the vegetable or chemical product in its drug form, and can read the quantities that he has to use, is that not sufficient for making up a prescription?

Unfortunately, the chemist often has to exercise his discretion as to whether a prescription is a safe one or not, and has very frequently to apply to the prescriber to have it confirmed. If the law required that every dispenser should make up a prescription without question exactly as written by the medical man, I am afraid the coroner would have a great deal to do. If your Lordships will allow me, I will deal with the objections raised by the opponents of this Bill; they state, "The memorandum states: Pharmacy Act (Ireland), 1875, was passed for the purpose, amongst others, of preventing the sale of poisons by unqualified persons." Now, Section 30 clearly indicates the object of the Bill, as it says what a person cannot do; the 30th section says, "Provided always, that it shall be unlawful for any person to sell or keep open shop for retailing, dispensing, or compounding poison." I think that objection is answered, inasmuch as the Bill provides that any person acting so acts illegally. "Further, the memorandum states,

(O.D.)

E

no

15th June 1888.]

Mr. BATES.

[Continued.]

no provision was made in that Act for the registration of such chemists and druggists as were practising at the passing of said Act on their own account. On reference to original Act, we find that ample provision was made for the examination of chemists and druggists in Clause 22, and the rights of those who were then trading were safeguarded in Clause 31, and were entitled to be registered on giving reasonable proof, had the council so decided, upon the payment of the proper fees and charges." I can find no such provision in the Act?

The only provision for registering chemists and druggists is that in the 21st Section, which refers to examined chemists and druggists.

329. It is quite obvious that that is so?

Further, memorandum states, This Act provides machinery for the registration of all persons who were practising as chemists and druggists in Ireland prior to 11th August 1875, retaining their rights in full. On referring to original Act we find the interests of the traders fully protected and preserved in Clause 31, yet this Act proposes to take away part of their original title by designating them "Registered Druggist" in lieu of "chemist and druggist." Well, several of the amendments proposed refer to this vexed question of chemists and druggists, about which your Lordships have heard a good deal to-day. Should our society at any future time, and in any altered condition of the country, find it necessary to avail themselves of the power that they have of adopting the two grades of dispensing chemists; that is to say, to examine persons who would be entitled to dispense medical prescriptions, and call them "Chemists and Druggists"; and if there was a demand for men who desired the honorary title of "Pharmaceutical Chemist," we think that a higher examination might be established to give them a better feather in their hat, so to speak, and we might find it advisable to adopt this course. Now, if this title was to apply to these registered druggists, who will be mere poison sellers, we should have in the country two sets of men with the same title, but with totally different privileges, and that would cause a great deal of confusion. Then there is another item of confusion. Supposing these men, whom we propose to call "Registered Druggists," were to be entitled to call themselves "Registered Chemists and Druggists," persons coming over from this side of the water who are accustomed to go to the chemists and druggists to get their prescriptions compounded, would walk into these places and offer their prescriptions to be compounded, and I think from what we have heard to-day, if the prescription were presented to be compounded, it probably would be compounded, as we have heard that gentlemen have been forced by the condition of things, and are still forced to compound prescriptions, even although unqualified. I do not see how the gentlemen in Belfast should be forced to do that, inasmuch as on referring to the register I find that besides apothecaries, there are 36 pharmaceutical chemists in Belfast. Besides that, the title "Chemist and Druggist," as given to the dispensers in England, has a definite meaning. It means a gentleman who has passed an examination of a sufficiently stringent character in chemistry, and has shown that he has been practically educated and has a systematic knowledge of chemistry. I do not think that the best friends of those gentlemen who are now looking for registration, could say that they came up in any sense of the word to the title of chemists, or had the qualifications of a working chemist. I think that deals quite sufficiently with the desire that has been expressed by these gentlemen to have the title of "Chemist and Druggist." It would cause no end of confusion, and would give a name to which they are not entitled.

330. Do you think the refusal to give them a name which they had hitherto used would be calculated to inflict upon them any loss in their business?

Not the slightest, except in one item that has been referred to, namely, the reprinting of their labels. Then they ask, "That the fee for registration be reduced from two guineas to one guinea." Our present position is owing to our very weak financial position. In 1875 we were given an Act to administer, and it was like telling men to go and make bricks without straw. It is only by the most rigid economy that we have been able to carry on the work of the

the

15th June 1888.]

Mr. BRUNNEN.

[Continued.]

the Society to the present moment. The actual accumulations of capital of the Society since it began to work amount to the sum of 375*l*. During the last nine years the excess of income over expenditure has only been about 70*l*., and the small capital we have was accumulated in the first two years when a large number came up for the modified examination, and there were no very considerable outgoings. It is utterly impossible for us to administer this Act with the small fees we have at present, unless in some way or other our income is extended. If we do not get a reasonable registration fee, and a reasonable annual payment by registered persons, we must go to the Government for a grant, because it would be utterly impossible that the Bill could be administered and the safety of the public looked after without some expense. As to Clause 6, your Lordships are aware of the provisions in our Act for this modified examination which these gentlemen are supposed to submit to, and I do not think a lower-grade boy of a board school would be frightened at what we ask, "He shall be examined with respect to his knowledge of the English language, &c."

331. Have you touched upon Clauses 5 and 6 conjointly?

I have referred to Clause 5.

332. Earl of *Limerick*.] Clause 6 is different?

I must apologise for having omitted to refer to it; that arises out of a curious confusion that has been caused by our original Act. Nobody appears to be able to inform us, whether it was intentional or merely a slip; that, in that Clause 31, the title "Chemist and Druggist" does not occur, but "Chemist or Druggist." That has made it necessary for us to make a distinction between Clauses 5 and 6. Clause 5 being an extension of the privilege that was reserved in the original Act, we are obliged to follow the wording of the original Act, "every chemist or druggist who is practising as such"; but it has no definite meaning. But when we come to deal with persons who have gone into business since 1875, and previous to 1881, we know what they are; we know that they are chemists and druggists, and deal with them accordingly. The chemist and druggist who has gone into business between 1875 and 1881 would have to be examined; the other men, the chemists or druggists before 1875, would not be examined.

333. *Chairman*.] The proposal, as I understand, of the objectors is that the fact that they have been practising either as one or the other ought to be sufficient?

"That the declaration they have been trading as either or both should be deemed sufficient;" well it is a question of words which is the most suitable. If there is any difficulty to be cleared out of the way by calling them "chemists or druggists" or "chemists and druggists" in both sections we have objection.

334. Are there people in Ireland who trade as druggists and not as chemists? They almost universally call themselves chemists and druggists.

335. I suppose from that suggestion that there are certain persons in this business who call themselves druggists simply?

I do not know of one.

336. Earl of *Limerick*.] As a matter of fact, can there legally be such a thing as a chemist and druggist?

No.

337. Then everybody would be excluded under this. They would say, "You are legally not a chemist and druggist?"

Under the principal Act nobody is entitled to call himself a chemist and druggist, unless he has been registered under the Act.

338. Then Clause 6 would be absolutely inapplicable to anybody. There would be no person who is legally a chemist and druggist?

They have assumed the title as they have assumed the right to act illegally.

339. But the Act of Parliament would not take cognisance of that?

(0.6.)

E 2

The

15th June 1888.]

Mr. BRUNNEN.

[Continued.]

The clause takes cognisance of their having been selling poisons illegally during the last 13 years.

340. *Chairman.*] Supposing you word it, "Every person who was practising as a chemist and druggist on his own account in Ireland and styling himself as such":

I think that would be an improvement.

341. *Earl of Limerick.*] That would of course remove that objection; but it says, "Every chemist and druggist." The first objection taken is that there is not legally any such person?

Now, my Lord, on the question of the examination which we think is the minimum, they say, "That a still more modified examination be instituted than that indicated in Section 3 in reference to any *bona fide* chemists and druggists, who have commenced business on their own account prior to January 1888, or any apprentice or assistant who had served part or all of his time previous to 11th August 1875. And that the Bill also should provide for the interim between 1875 and 1888 as to the permanent examination of the apprentices graduating as chemists and druggists." If the examination were reduced below that it would be reduced to a nullity. What we want is to see that the man is able to distinguish Epsom salts from oxalic acid, and the ordinary things that are sold over the counter.

342. I think you said, in answer to a question sometime before, that a knowledge of both the Latin and English languages was important?

For dispensers. This is only for retailers of poison.

343. That would be sufficient in their case?

Quite sufficient. Then they say, "And that the Bill do afford the necessary facilities for such examinations at four given centres." That is a matter of detail which can easily be provided for if the necessity arises, and I am quite certain that our council would not raise the slightest objection in having local centres of examination if found necessary.

344. *Chairman.*] That has not been suggested?

It is suggested in these amendments; in Clause 6: "And that the Bill do afford the necessary facilities for such examinations at four given centres, viz., Dublin, Belfast, Galway, and Cork, and that the examiners appointed shall be men entirely unconnected with the business of chemist or druggist, or pharmaceutical chemist"; that is, they must look for some one who knows nothing at all about the subject. Then the next is a financial suggestion, to which the same remark applies as before. Clause 9: "That the clause be amended so as to read 'chemists and druggists' instead of Register of Druggists; and that in the formation of the council there should be chemists and druggists, and the council not formed to consist of pharmaceutical chemists alone, in order that all classes under the Bill should have a just representation; and this is especially rendered necessary when it is the option of the council to impose an annual tax on traders under the Act." It was recognised when the Act of 1868 was given to the Pharmaceutical Society of Great Britain, that if there was to be a governing body it should consist of those who had distinguished themselves from the rest of the body of the society by superior education and intelligence. Only pharmaceutical chemists were entitled to sit upon the council. The same provision was adopted in Ireland. If such a distinction was necessary under the Act of Great Britain, where the margin of education is so very small between the minor and major candidate, the objection still more strongly applies to the marked distinction between the educated pharmacist and the gentleman who has passed this very modified examination, or, perhaps, no examination at all; and it would be quite inconsistent with everything that is known in these countries, that men, comparatively uneducated, should be daily dealing with the higher education of the pharmacist. Every day questions are arising before the council which depend very much upon the scientific and professional knowledge of members of the council; and it would be quite absurd if uneducated men should have any voice in regulating its affairs. In the Act of 1875 the same distinction

15th June 1888.]

Mr. BRUNNER.

[Continued.]

distinction was drawn between the chemist and druggist and the pharmaceutical chemist. The chemist and druggist might become an associate, and have a voice at the annual meeting, might vote for the representation on the council, but could not take a seat upon the council.

345. You do not propose to give even that power?

No.

346. But do you see any objection to it as far as the registered druggists are concerned?

We have no registered chemist and druggist.

347. You do not propose to give even the modified power of representation which is given in the Act of 1875 to the registered chemists and druggists under that Act to the registered druggists under this Act?

No.

348. You do not propose that they should have any species of representation on the council?

No; the point has not been considered.

349. Although they are to be clearly taxed?

They are to be taxed.

350. Do you see any objection to giving them such qualified power of representation as is given in the Act of 1875?

Personally, my Lord, I have no objection to extend to them the provision of section 18 of the principal Act.

351. Lord Lingen.] Does Section 18 allow them to be elected on the council?

No. It gives them a voice at the annual meeting.

352. But not to be put upon the council?

No.

353. I notice in that clause they are called "chemists and druggists"?

That was the title offered under the Act to persons examined for that grade.

354. I thought you said nobody has as yet been registered under that title?

Because the council decided on not having the two grades. As you will see at the end of the 19th section, the effect of the council not having adopted the two grades is practically to remove out of the Act all regulations for the time being affecting the chemist and druggist. So far as the provisions relate to chemists and druggists under this Act they would only take effect "after the publication in the 'Dublin Gazette' of the notice of the approval of the regulations made at the first meeting of the said Council, and so far as the said provisions relate to chemists and druggists under this Act they shall only take effect after the publication in the 'Dublin Gazette' of the notice of the approval of a resolution with respect to the title of chemist and druggist." So that practically for the time being all regulations affecting that grade are eliminated from the Act.

355. But it would immediately come into operation if the council thought fit to create the grade of chemist and druggist?

Which they might do to-morrow, by the permission of the Privy Council. (Mr. Roebuck.) I may explain that our president has fallen into an error. He says chemists and druggists in England were not allowed to be represented on the council, but merely elected members. The English Act, Section 19, provides that "Every person who is or has been in business on his own account as a chemist and druggist as aforesaid, at the time of the passing of this Act, and who shall become a member of the Pharmaceutical Society, shall be eligible for election to the Council of the Pharmaceutical Society; but the said council shall not at any time contain more than seven members who are not on the register of pharmaceutical chemists." (The Witness.) I admit, my Lord, I had overlooked that during the transition stage, when persons were registered under the Act of

15th June 1888.]

MR. BRUNNER.

[Continued.]

1868 without any examination at all, provision was made by this limited representation of persons who had been in business and who were registered as pharmaceutical chemists without any examination at all; but that was only during the transition stage. The chemist and druggist in Great Britain who becomes a chemist and druggist by virtue of having passed the minor examination, does not become entitled to sit on the Pharmaceutical Council.

356. Lord *Lingen*.] Will you look at Section 6 of the Act of 1875; I notice there that after registration the man does not at once become a member of the Pharmaceutical Society, but he is qualified to be elected, and so when a man has been registered he may become an elected member of the Pharmaceutical Society: what is election as distinguished from passing his examination and being registered?

On being registered he becomes a licentiate, and becomes able to exercise his vocation, but he does not become a member of the society until he has been elected a member, and pays his annual subscription. A licentiate *quid* licentiate is free from any expense on being licensed. Having paid for his license he can carry on his business without being a member; he is licentiate for ever.

357. Then the objection that has been taken to the two guinea fee and the 10s 6d. fee, is so far within the licentiate's own control, that if he does not choose to be elected a member of the society he has not got the fee to pay, but he can still practise; is that so?

If a licentiate is elected a member he pays his guinea fee, with all its privileges, and remains permanently on the register as long as he is a member. This, my Lord, only affects those who shall be licensed hereafter, because it cannot affect the interests of those who have been licensed hitherto. If he does not choose to become a member, he will have to pay a fee of 10s. 6d. a year to keep his name on the register.

358. Without becoming a member?

Without becoming a member. It would be to his advantage to become a member for a guinea, because for that guinea we supply him with the transactions of the Pharmaceutical Society of Great Britain, and with the transactions of our own Council. The object is to get over the evident reluctance that licentiates have to pay a guinea a year towards the maintenance of the society.

359. Lord *Lingen*.] And he can remain in a position to practise, paying only 10s. 6d. a year for keeping his name on the register if he so elects?

Yes. Objectors go on. "If the Bill afford to the chemists and druggists a fair representation on the council, the chemists and druggists will consent to Clause 13 in its entirety. If, on the contrary, such fair representation is not conceded, then it will be the desire of the chemists and druggists that the annual fee and fines should be made payable to the Government, and their licenses held from the Government through the *Income Revenue*." As I explained before, we cannot do without this 10s. 6d. a year, and I think such a revenue would be quite a white elephant to the Government.

360. Earl of *Liserrick*.] You give no advantages whatever for that money?

We give the licentiate this advantage, that if we have sufficient funds we can protect his interests and see that they are not infringed by illegal traders.

361. Lord *Lingen*.] I thought you said just now you had not the means of prosecuting?

We had not, but we hope to have them if we get these fees.

362. Earl of *Liserrick*.] It is their money which is to protect them and not yours. You say you have got none for the purpose; you want them to find the money to protect themselves and you give them no advantages. You do not give them the place which they would have had under the original Bill if they had been licensed chemists and druggists. You give them no such advantage; you apparently simply register them and take certain fees from them?

The object of fee is to be enabled to protect their interests, which we cannot do at present. The result is, that a great many young men who, if we

were

15th June 1898.]

MR. BRUNNER.

[Continued.]

were in a position to protect the interests of our licentiates as they ought to be protected, would go in for our licence, are now holding aloof.

363. *Chairman.*] You see no objection, as I understand, to their being given similar representation to that proposed to be given to the registered chemists and druggists under the Act of 1875?

No, I do not see any objection. I think it would be rather an advantage to the society, because we would sooner get a guinea from them than half-a-guinea.

364. *Earl of Limerick.*] But then would it not be the case that as your council has not put in force the provision about examining under Clause 16, for the position of druggist, you might, in the same way, decline to elect any of those registered druggists into the Pharmaceutical Society at all?

I do not contemplate any such system of boycotting.

365. You see your council have not carried out what my personal opinion is was one of the intentions of the Act of 1875 by instituting this examination; and so, of course, one has to consider what course your council will follow as regards these registered druggists, if they have such extensive powers over them as you seek in this Bill?

I say, personally, I see no objection to giving them a voice in the election of the council.

Chairman.] If Clause 18 were adopted into this Bill, *mutatis mutandis*, they would have a right of representation whether you liked or not.

Mr. Stans.] If I may be permitted, I would say that we think that as the council have not treated us properly, any dispensation they may get they may use to their advantage. I may mention that one of the journals which has represented our views all along, is annually completely boycotted by the council, who would not send a report so that we might know their actions.

366. *Chairman.*] Supposing it read "every person who shall be elected under this Act as a registered druggist, shall become, *ipso facto*, an Associate of the Pharmaceutical Society?"

On his paying one guinea.

367. Yes, of course. "And every person so becoming such associate and being in business on his own account, shall have the privilege of attending all meetings of such society, and of voting thereat, and otherwise taking part in the proceedings of such meetings in the same manner as members of the said society: Provided always that such associates contribute to the funds of the said society the same fees or subscriptions as members contribute for the time being under the regulations thereof." Would you object to such a clause as that, supposing we thought it desirable that they should have representation?

The Bill always contemplated election to the society, and I think it is usual in any society that the governing body should have some discretion in excluding objectionable persons. The possibility of some objectionable person coming up must be provided for.

368. *Earl of Limerick.*] Under Clause 6 the chemist has to be elected a member?

Yes, the pharmaceutical chemist.

369. All I wanted to arrive at is, the advantages which you think that these registered druggists, if the Bill passed, would derive from the fees which you propose to take from them?

The main advantage is that their interests will be protected and their business will not be interfered with, as it must necessarily be when there is no restriction of unlicensed persons.

370. *Chairman.*] I suppose you would put it, would you not, that unless, under the provisions of the Bill, they are placed on the register they cannot carry on their business in future?

Yes.

(0.6.)

R 4

371. And

15th June 1888.]

MR. BRUNNER.

[Continued.]

371. And that the placing them on the register entails a considerable amount of expense, and there must be some means of providing for it?

Annual registers must be sent out; they must be distributed to the local centres, and the salary of our registrar must be considerably increased with the increased duty that would be thrown upon him. I can assure your Lordship it would not be all profit.

372. You have no power over them further than that of placing them on the register?

That is so.

373. Earl of Limerick.] Would not those who practised before 1875 say that their position was already protected by that Act; that they were allowed to practise, and therefore it was unfair that they should now be called upon to pay a fee for registering?

I know that that is their argument.

374. Do you think that a reasonable argument?

Our reply is that we have got an Act to administer, and that we must be provided with means of administering it. I will now go to their Appendix: "That the Bill, as at present before the House, is deficient in one respect, inasmuch as it does not provide for apprentices who have served their time since, or any who are now apprenticed with chemists and druggists, or any who may hereafter be so apprenticed. It is suggested that the Bill be amended by prescribing some mode of examination for efficiency to warrant the admission of such apprentices to the register of chemists and druggists on the completion of their apprenticeship." I, personally, would have no objection to extend the provisions as to apprentices and assistants beyond 1875. Section 6 of the Bill says, "or has been an apprentice or assistant to a chemist and druggist at that place prior to the 11th day of August 1875, as the case may be." I would have no objection to extend the right of a *bona fide* apprentice to a chemist and druggist to be registered, on examination, up to the 1st of January 1887, provided that he was the apprentice of a man who had proved, by examination, that he was competent to teach him.

375. Chairman.] How could you effect that in the provisions of an Act of Parliament?

We provide an examination, for men who went into the business after 1875, before the 1st of January 1887; and any man who registered under that clause himself would be able to certify for the apprentice; but I would not give this right to a man who had never been examined, but who had got on the register under the 31st section of the Act; I would not extend the privilege to his apprentice, because he, himself, has given no guarantee that he is educated.

376. Lord Zingen.] Was Section 31 of the Act of 1875 interpreted as relieving those who were already practising as chemists or druggists even from registering?

That is the defect in the Act, my Lord, that it gave no power to register them.

377. So that there is a large number of that class up to this time unregistered? Yes.

378. Earl of Limerick.] The fact is, that proviso about assistants would more properly come in to Section 5, which deals with chemists and druggists who were practising on their own account before the passing of the Act of 1875, because in Clause 6 it mixes them up with chemists and druggists who were practising between 1875 and 1888?

There is a reason for that, because Clause 5 does not deal with examination at all; Clause 6 does.

379. Chairman.] What you say then is, so far as I can make it out, that you are prepared to meet this objection so far as that you would allow apprenticeship to any chemist and druggist who had passed the necessary examination to qualify?

Yes, up to the date fixed; the 1st of January 1887, which is the date fixed.

380. Lord

15th June 1888.]

MR. BRUNNER.

[Continued.]

380. *Lord Lingen.*] That examination that you refer to is the minor examination specified in Sub-section 3 of Section 6 in the Bill?

Yes. Then the next objection is, "And that the service of four years' apprenticeship with a registered pharmaceutical chemist or registered chemist and druggist should qualify any candidate presenting himself for the higher examination necessary for license to carry on the business of a pharmaceutical chemist, or that of chemist and druggist, as he may think fit." The whole object our council have had in working the Bill of 1875 has been to ensure that the men that we qualified are men who really know their business. So far as we can we have set our face completely against any system of cram. We have been borne out in that very loyally by the Privy Council in Ireland, who have accepted the recommendations made by the visitor appointed by them in a great many points, and our examination has become thoroughly practical. We do not believe that candidates can be properly prepared for their calling in any other way. As far as practical pharmacy is concerned, the dispensing of medical prescriptions, and the general manipulation, they cannot learn those without the four years which we require in a properly established pharmacy conducted by a properly qualified man. It is quite impossible to suppose that a man working in such establishments as have been mentioned to-day, of registered druggists, would, no matter how he was ground by the grinder for six or eight months, be able, by any possibility, to be sufficiently expert in manipulation to pass our examination. I know that the objection lies against that, that the supply of candidates for the license will be limited. But I am in hopes that the council will be placed in this position (the same position that the English society hope to enjoy very soon under the Bill that they have before your Lordships' House this year), that in the event of our financial position being improved we shall be able to establish a school of pharmacy such as they have in Bloomsbury-square, at which a full curriculum in practical pharmacy may be substituted for those four years. But until we have such a school, managed under our own supervision, where we know the teaching is thorough and practical, we cannot accept any substitute for the four years' apprenticeship in a practical pharmacy.

381. *Lord Lingen.*] You would want several such schools in different parts of Ireland, would you not?

Ireland would not support more than one. At present the teaching of pharmacy is, with the exception of what is done in Belfast, practically all done in Dublin.

382. *Chairman.*] You think this would be a retrograde step?

Undoubtedly. It is a thing that would interfere with our efficiency immensely, and would lower the status of pharmacists in Ireland very much. We have done our best to raise our pharmacists to a good practical standard, and I think we have succeeded; we have turned out well-educated men. But if the passing of an examination should be the only test of a pharmacist, I am afraid that the public will very soon find out what a great mistake has been made.

383. *Lord Lingen.*] Would you be able to supply a sufficient number for the whole of Ireland?

We shall place on the register now a considerable number of men as druggists, and by the time these men have died out we shall be able to supply the country. We have heard of 2,000 post towns in Ireland. Well, there may be 2,000 towns in Ireland containing a post office, but a great many of them contain besides, perhaps, only a constabulary barrack and a public-house; and I do not know that it is the duty of the Legislature to provide the same facilities for selling arsenic as for selling tea and sugar in villages of that sort. We who are in the business know that people who are not immediately close to a druggist or pharmacist can easily, by the penny post, get what they want by return of post.

384. *Chairman.*] As far as I understand the question which is desired to ask you is, would the certificate of an old chemist and druggist be the same as that of chemists and druggists who had passed the examination?

No, unless the old chemist and druggist had submitted himself to examination

(0.6.)

F

tion

15th June 1888.]

MR. BRUNNEN.

[Continued.]

tion under Clause 6, and had proved his competence to convey instruction to his apprentice. I would not take the apprentice of a man who had himself given no guarantee as any guarantee of the apprentice's qualification.

385. Earl of Limerick.] But that is in the Bill now, Clause 6?

Yes, but the apprentice must be examined.

386. Clearly, but still it would qualify him if he had served with any of those?

Clause 6 only extends the privilege to the apprentice who has been apprenticed in the year 1875. This is a further proposal to allow the apprentices up to the 1st of January 1867 to qualify by examination.

387. Yes; it is with reference to that that I am now speaking. You say that those apprentices who were assistants or apprentices to any chemist or druggist prior to 1875 would be entitled to be registered on complying with those conditions; that is, being examined?

Yes.

388. But then it has been suggested that that should be extended to the assistants of chemists or druggists between 1875 and the present time?

Yes.

389. If you provide that it should only be assistants to chemists and druggists who become registered under this Act, that would be an additional limitation on the assistants who were such before 1875, unless you put in some proviso that the requirement of registration of the chemist or druggist did not apply to them?

I do not follow your Lordship.

390. As regards the assistants or apprentices to chemists and druggists, who were such before 1875, there is no requirement that that chemist and druggist should be registered under this Act?

No, but these apprentices have had 13 years' farther experience.

391. That is my very point; you do not seem to follow it. If it is extended to those other assistants, you would have to alter the wording of the clause altogether; you would have to put in a separate and special proviso?

It should be a separate proviso.

392. And you would only require the registration of the chemist or druggist whose apprentice he was in the cases of those assistants who have only become such since 1875?

Yes.

393. I only wanted to make that clear. It would only apply to those who became assistants later than 1875, not to those before it?

The proviso that the man should be an examined person would only apply to those after 1875.

394. Chairman.] You would not allow any person who had not himself passed an examination to give a certificate to entitle another man to become qualified?—

395. Earl of Limerick.] Unless he was an assistant before 1875?

Unless he was an assistant before 1875. The only other point, my Lord, is the jury point; we have nothing to do with that. Reference to jury exemption does not occur in our Act. The exemption of the pharmaceutical chemist was introduced into the Jurors' Act afterwards.

396. Chairman.] Is there, so far as you know, any want, through Ireland, of properly qualified chemists to make up medical prescriptions?

There is a want in some places. There has been a tendency of licensed men to settle down in large towns. I counted up in the room to-day 36 licentiate chemists on our register in Belfast. There are a large number in Dublin. Up to this they have not scattered much through the country; but there are at present 230 of

15th June 1888.]

MR. BRUNNEN.

[Continued.]

of our licentiates, I believe, practising on their own account in Ireland; and if you take about 300 apothecaries, your Lordships will see the public are not in at all the same state of want as they were in 1875 for persons to compound prescriptions. Your Lordship will remember, in Ireland, the dispenser of medical relief supplies a very large number of the population. It is only those who are comparatively well-to-do who take their prescriptions to the medical man. In the towns the practice is very different from what it is in England. We have very few of the general practitioners who supply medicines to their patients; that is quite exceptional; in Dublin there are only two or three who do it. The general rule throughout Ireland is for the medical man to write his prescription, and send it to the chemist. If it were not for the dispensary relief there would be a very decided want of dispensing men in Ireland. My own impression, and I am borne out in that by the other members of the Council, is, that in the course of a few years we shall have an ample supply, when we are in a position to protect the licentiates whom we have licensed, and we shall have a larger number coming up. Every year the number presenting themselves for the license is increasing, and a larger proportion passing. For some years a very large number of those who presented themselves for examination were rejected; 52, 55, and 60 per cent.

397. Is it the fact, so far as you know, that the practice is general for persons who are not qualified to illegally make up medical prescriptions?

It is not very extensive; we know it exists.

398. With the sanction of the medical men?

I am sorry to say with the encouragement in some cases of medical men.

399. Is that a practice that exists in the towns or in the country?

In the towns. I cannot say much about the small country towns; but as far as the larger towns are concerned, a few medical men, I am sorry to say, have encouraged that practice. But I must say for the bulk of the medical profession they are very loyal to us, and that the terms between the medical man and the pharmacist could not be better than they are in Ireland. Each is satisfied to take his own share of the work, and they do not interfere one with the other.

400. Then with regard to the objection about destroying the continuity of the business of chemist and druggist, and that they would be unable for the future to get apprentices for their business; what do you say to that?

The chemist and druggist of course under our proposal will die out in course of time, and the better educated and the more ambitious young men who go to them to learn the business will very likely find their way to the pharmacist. They go to the druggists very young, and a great many of them will find their way to the pharmacist and learn their practical pharmacy with him; and in Ireland where the young men of that class get a smattering of education they become ambitious, and a very large number of them go into the medical profession when once they have got a taste for learning.

400*. You heard Mr. Downes' objection to Clause 12?

Yes. Well, there is something in his objection, but the difficulty is how it is to be got over. It is next to impossible to provide a guarantee that that clause will not be made a bad use of. We know of places that are carried on in this way. A druggist who is not licensed has perhaps a partner or a relative who is a licentiate, a pharmaceutical chemist; the druggist himself is unable to dispense; he lets off a portion of his place to a qualified man who is supposed to have a shop within a shop; well, to carry out that principle so that it shall comply with the law, there must not only be a portion of the place shut off, but there must be in that place an entirely separately stock of drugs, chemicals, and every other appliance. There must be a separate lot of books, and there must be a separate till, and in every particular it should be a separate and distinct shop. Well, we find from experience that though it may start purporting to represent that position, in a very short time it does not. We find the common label of the establishment going out, and if a prescription happens to be compounded, has in small print the qualified name on it. But from our experience of these places they are practically conducted as one establishment, and the law is

(O.S.)

F 2

infringed.

15th June 1888.]

Mr. BRUNNER.

[Continued.]

infringed. We had occasion a few years ago to put before the present Lord Justice Nash, when Attorney General, a question on this subject, and his opinion was that although it was clearly an evasion of the law, still as the law stood there was nothing illegal in it; and it was to prevent this illegality that a clause was inserted in the Bill. If any proper guarantee could be provided that an improper use should not be made of this clause, we should have no objection; but the difficulty is to provide such guarantee.

401. You do not mean improper use made of the clause, but you mean of the present law?

Of the present law.

402. What Mr. Downes complains of is, that your clause would inflict a great hardship upon him; that when he is carrying on a legitimate business it would entirely put a stop to it?

I cannot give evidence as to how the gentleman does carry on his business, but know the position of the place, and I know Mr. Brooks the proprietor very well.

403. I cannot myself see what the object of the clause is, except it is to hit such a case as his, because the clause is to this effect: It shall be unlawful for any registered druggist to allow any part of his shop or premises to be used for the purpose of retailing, dispensing, or compounding of medical prescriptions. But it is unlawful now?

The object of that is to make it perfectly clear, so that there should be no evasion on the part of the registered druggist. He might impose on an innocent public in a country town, and say, "because I am a registered druggist I can dispense a prescription for you." It is to make it perfectly clear.

404. But the person in the country town would not see the clause, and the druggist may say exactly the same thing to him, whether you pass that clause or not. If it is illegal now, the making it illegal again is of no effect. The whole object of the clause seems to me to hit that very case, "or to allow any part of his shop or premises to be used for that purpose"?

I do not think the case in point was before any member of the Council at the time; but as your Lordship says it does hit the case; that is if the full and clear distinction is not made; I do not know whether it is or not between the two branches of the establishment.

405. Any other person, except a chemist or druggist, might allow him to carry on his business in the shop under this clause; for instance, a refreshment-house keeper. Now, with regard to the number of licentiates in Belfast, you say there are 36?

So I roughly counted up in the register to-day.

406. Does it say how many of them carry on business on their own account?

Some of these Belfast gentlemen will be able to give you better information; I could not.

407. I suppose this business follows the ordinary rule, that where there is a sufficient demand a supply will come?

Yes; the working of the Act is comparatively in its infancy, and though some places may be congested there will be a survival of the fittest, and those who go to the wall will have to go somewhere else.

408. Is it the fact that pharmaceutical chemists refuse, in some instances, to take assistants or apprentices who will not give an undertaking not to start in business on their own account?

I cannot say as to that; in my own business I do not take apprentices at all. I know very little about apprenticeship.

409. Do you think that the Poisons Act might be amended in the way indicated with regard to the vessels in which poisons should be sold?

That has been suggested over and over again. If I do not mistake, it was one of the suggested amendments of Lord Carlingford's Act. In all well-conducted

15th June 1888.]

MR. BRUNNER.

[Continued.]

ducted establishments that rule is observed. Poisons are only sent out in fluted bottles.

410. I thought it was in the Poisons Act?

No; there is no provision of that kind there. But nearly all the poisoning cases that occur arise from this: that hospital patients very often after being dismissed from hospital, or from the hospital dispensary, retain their prescription, and they go and get it made up in any bottle that comes to hand. They are unable to pay for a bottle, and of course, if they want to get the prescription, they can only get it in what vessel they bring. I think the largest number of poisoning cases that have been recorded have probably arisen from carbolic acid supplied in that way.

410*. Carbolic acid is not in the schedule?

Strange to say it is not in the schedule, although it is responsible for nine-tenths of the poisoning cases. The College of Physicians are the body who recommend to the Privy Council additions to the poison schedule, and we have asked them to recommend the addition of carbolic acid and some other things; but the Privy Council have declined.

411. Earl of Meath.] On what plea?

That it would interfere too much with manufacturing interests.

412. Chairman.] Do you think that there is any practical difficulty in obtaining two medical men to certify, as proposed in the Bill?

No; the country is studded with dispensary doctors. We followed the example of the English Act of 1868. It was thought that the medical men would be the men best qualified in any district to know who had been dealing with medicines and poisons. We have followed that Act, and I do not think that there is any practical difficulty in getting two medical men; and in certificates like these two names are better than one. We have full power under the section of the Act to do without this declaration, or to substitute any other evidence that we can get.

413. Earl of Limerick.] It is a declaration not as to medical knowledge, but as to the fact that they have been engaged in the sale; now, would you object to its saying, "two magistrates of the county"?

That is already provided in the wording of the section.

414. It requires certain statutory declarations, and then it gives you power to do away with them, "Provided that it shall be lawful for the council to require from any applicant, before entering his name in the register, such further or additional evidence as they think fit, of the truth of the statements contained in the statutory declaration so made by him, or, if they think fit, to dispense with either or both of the statutory declarations from medical practitioners, and to take in lieu thereof such other evidence as they shall think sufficient";

The reason is that we followed in the first instance the wording of the English Act as to requiring medical certificates; and then we thought it would be tied up too tightly, and the rest of the clause was added at the end of the section.

415. Does the English Act empower the requiring further information when the statutory declarations are got?

I do not remember; it is 20 years now since that Act was passed.

Chairman.] There is a Schedule at the end of the Act of 1868, which gives the form of declaration; it is to the effect that he is a person who was in business as a chemist before the Pharmacy Act.

416. Earl of Limerick.] "Declaration to be signed by a duly qualified medical practitioner." Those are the words at Schedule D. of that Act, and that is very much what I suggested?

We are not tied down to the medical men; they were merely put in as persons being most likely to be in a position to know.

417. Chairman.] You do not see your way to reducing the fee of two guineas (0.6.) r 3 which

15th June 1888.]

MR. BRUNNER.

[Continued.]

which persons carrying on business on their own account previous to the Act of 1875 are called upon to pay?

If the business is worth anything it ought to be worth 2*l.* 2*s.* for a man to have his rights established, which are now hanging up in the dark.

418. You said that some one else would tell us the reasons of the council for not establishing a second grade?

Yes. Mr. Hayes is one of the original members of the council and was cognizant of all the negotiations. He represented at the time the Chemists and Druggists' Association of Dublin, a somewhat analogous association to that which is now represented in Belfast, and whose views did not exactly correspond with those we have heard to-day.

419. Earl of Meath.] You said that the pharmaceutical chemists flocked to the town and left the country; have you any guarantee at all that that will not continue to be the case under the new system?

Only the ordinary guarantee of supply and demand. If the men crowd into a place that will not support them they cannot all stay there.

420. That may be so, but would it not be possible for large rural districts of Ireland to be unable to retain a man of such high qualifications as you propose to send down?

I think that each small town, as in England, will be able to maintain an educated man. We are in hopes that as education extends Ireland will not always be an agricultural country, and that if manufacture increases there will be work for the chemists to do, and our way is to educate our licentiates up to the point that they can be consulted on chemical subjects, and that they will be able to perform simple analyses.

421. You said the police had refused in two instances to prosecute. Do you think that the police ought to prosecute in these cases?

No, I do not think they ought. Our Bill does not provide that they should prosecute. It provides that they should report; that they should be the legally reporting body; that they should be availed of to give evidence in case of breaches of the law. But I certainly would not give to the police the authority to prosecute in matters of this sort.

422. You feel confident that with your increased numbers you will be able to prosecute?

And with the income that we calculate we shall derive under this Bill.

423. You have no feeling that many would escape, as they have done in the past, owing to your being unable to prosecute?

Certainly not with the machinery which we can be provided with. We can have in local places a public officer whose interest it will be to report if he sees infringement of the law, and comparatively small expense will be incurred. Where we have prosecuted hitherto from Dublin we have had to send an inspector down at considerable expense to go about, and perhaps he might spend two or three days and fail.

424. Lord Lingen.] Would you entirely prevent a licentiate of your society from uniting any other trade or business with his own?

No, we cannot interfere with that.

425. Should you think it desirable if you could?

No, I think it would be very unfair to debar a man in a small town if he saw some other means of livelihood.

426. That is what I was coming to. In order to distribute the licentiates' duty over the country you must in the sparse parts of the country allow them occasionally to combine other business with their own?

Certainly; we have no objection. They do so from the necessity of things.

427. The dispensaries, I believe, only operate as part of the Poor Law?

Quite

1546 June 1888.]

Mr. BRUNKER.

[*Continued.*

Quite so; but the abuses are very great; and the assistance given by the dispensary has extended to people who are well able to pay for their medicine.

428. Is the dispensary work of the dispensary, and the compounding work, well done?

Here and there in large centres our Licentiates are employed as dispensers, but in the country dispensaries the work is all done by the practitioner.

The Witness then presented a petition from the Apothecaries' Hall of Ireland in favour of the Bill.

Ordered, That the Committee be adjourned to Monday next,
at Twelve o'clock.

Die Lunæ, 18^o Junii, 1888.

LORDS PRESENT:

Earl of MILLTOWN.

Lord DE ROS.

Lord FOXFORD (*Earl of Liverpool*).

Lord CHAWORTH (*Earl of Moath*).

Lord LANGEN.

Lord BASING.

THE EARL OF MILLTOWN, IN THE CHAIR.

Mr. WILLIAM HAYES, called in; and Examined.

429. Chairman.] You are a Pharmaceutical Chemist, I believe?
I am a Wholesale Druggist and a Pharmaceutical Chemist.

430. Where do you carry on your business?
No. 12, Grafton-street, Dublin.

431. I believe you were one of the original Council named in the Act of 1875?

I was. I was also secretary of the Chemists and Druggists' Society which assisted in drawing up that Bill.

432. Were you a pharmaceutical chemist at that time?
No, I was a chemist and druggist.

433. Then the Bill was promoted by the chemists and druggists?
It was promoted by the chemists and druggists, and by the Apothecaries' Hall.

434. What led to its promotion chiefly?
There was a paucity of apothecaries. The apothecaries were subject then to a much more severe examination, equal to that of medical men; and it was found that they followed the medical profession, and not that of apothecaries, and they were gradually dying out as pharmacists.

435. It was the want, then, of persons qualified to dispense medical prescriptions?
It was.

436. And to meet that want, it was provided in the Bill that a grade called pharmaceutical chemists should be created who should have the same power as that originally possessed by the Apothecaries' Hall?
Quite so.

437. It was also provided by the Bill that the Council of the Pharmaceutical Society which was created by it should have power to create a second grade, similar to that which exists in Great Britain, of chemists and druggists, who should also have power not only to sell poisons but to compound poisons and medical prescriptions generally?
It was.

438. Will you tell the Committee why the Council decided not to create that second grade?

There was a good deal of discussion in the society as to whether a second grade ought to be made; and as there was a division of opinion in the Council Sir Dominic Corrigan, our President, requested me to call a meeting of the
(O.G.) G Chemists

1868 *June* 1868.]

MR. HAYES.

[Continued.]

Chemists and Druggists' Society to ask what they would wish in the matter. I called a large meeting of the Society of Chemists and Druggists, and I placed the matter before them, telling them plainly that our Act did not contemplate that a second grade should be instituted for any other purpose than that of compounding medical prescriptions. There was one of our Council, the President of the Chemists and Druggists, Mr. Hodson, who was of a different opinion from Sir Dominic Corrigan and myself.

439. I do not think that you have told the Committee yet what Sir Dominic Corrigan's opinion was?

Sir Dominic Corrigan was strongly of opinion that there should be but one grade, and it was for that purpose that he wished to test the opinions of the chemists and druggists generally. Mr. Hodson put the matter from his standpoint before our society at this meeting, and the result was, that we had almost unanimity in the society wishing for but one grade.

440. Is that the Society of Chemists and Druggists?

It is.

441. What is the Society of Chemists and Druggists of which you speak?

It was instituted for the purpose of promoting a Bill to give chemists and druggists legal qualifications to compound medicines.

442. It was a voluntary association?

It was a voluntary association.

443. When was it originated?

It was first originated, perhaps, four or five years before the bringing in of this Act of 1875.

444. About 1870?

Yes.

445. Was there any qualification for membership?

Only being either in the trade or an assistant in the trade, those being called associate members.

446. That is to say, in the trade of chemists and druggists?

Yes, in the trade of chemists and druggists.

447. In that trade exclusively?

Yes.

448. Did it not embrace others who carried on other businesses at the same time?

Only those called druggists, or chemists and druggists.

449. Earl of *Limerick*.] Was there no examination required?

No, it was voluntary.

450. *Chairman*.] Has that society ceased to exist?

It has. We kept it on after the Act for the purpose of assisting the members by Educational Classes, to qualify them to pass the pharmaceutical examination.

451. The Committee would like to hear something about the constitution of the society; was it representative, or how was it formed?

The Chemist and Druggist Society was formed by all those who wished to join us for the purpose that it was inaugurated for, and who were proposed, seconded, and elected as members.

452. Earl of *Limerick*.] Was the membership numerous as compared with the number of practising chemists and druggists in Ireland?

It was very numerous.

453. What was the number that belonged to it?

All the principal chemists and druggists in Dublin joined it, and a very large number in the country, both south and north.

454. *Chairman*.]

18th June 1888.]

Mr. HAYES.

[Continued.]

454. *Chairman.*] Did any join it from Belfast?

Some from Belfast but not a very great number; but we had a number of representatives from all the large towns of the North of Ireland; Mr. Samuel Gibson (I do not know whether it was the Mr. Gibson who gave evidence on Friday or his father) was a member.

455. Had you any means of ascertaining beyond that whether the proposal to have only one grade was acceptable to the members of the trade in the North of Ireland?

None, except that all the members of the Association were summoned to this meeting, and 57 attended.

456. And they were practically unanimous?

They were practically unanimous.

457. Now will you tell the Committee shortly what were the reasons which induced you to represent to the Council that it was desirable that only one grade should be established?

It was simply because the same privileges would be granted to both. We considered that possessing the higher grade would be much more advantageous to us than possessing a second grade, merely that of a chemist and druggist, when the examination would be very likely to be very similar if not the same.

458. I do not quite follow you there?

The same privileges would be granted to a pharmaceutical chemist as to a chemist and druggist. The examination was not arranged as to there being any difference between a pharmaceutical chemist and a chemist and druggist.

459. Pardon me, the Act distinctly enacts that it shall be a different examination?

It might be just as severe.

460. It is enacted in the Bill that it is not to be so severe?

Practically it might be so.

461. *Barl of Limerick.*] It is Clause 21; "All persons desirous of being registered as pharmaceutical chemists under this Act may at any such examination present themselves for examination, and they shall be examined with respect to their knowledge of the Latin and English languages, of arithmetic, of botany, of materia medica, of pharmaceutical and general chemistry, of practical pharmacy, of the British Pharmacopoeia, and of such other subjects as may from time to time be prescribed by any regulation made in pursuance of this Act and all persons desirous of being registered as chemists and druggists under this Act may, at any such examination, present themselves for examination, and they shall be subjected to such a modified examination with respect to their knowledge of the subjects aforesaid as may from time to time be prescribed by any regulations made in pursuance of this Act."

Yes.

462. *Chairman.*] So that you see it was clearly contemplated that there might be a less severe examination than that for the higher grade as it is in Great Britain?

The privileges would be exactly the same, and our men very much preferred going in for the higher grade to having two grades.

463. Was there any other reason why they did not think it necessary to have a second grade?

That was, as well as I can remember, the chief reason.

464. Are you aware that there are two grades in England?

Yes.

465. And that that system has acted very well?

But I think the Pharmaceutical Society of England would very much prefer having but the one grade, and the Council of the Irish Pharmaceutical Society are influenced very much by the opinion of the leaders of the Pharmaceutical Council in England.

(O.G.)

G 2

466. Has

18th June 1888.]

Mr. HAYES.

[Continued.]

466. Has it ever been suggested to you, as it has been suggested to us in this room, that it would be desirable to establish another grade, which should not have the right of compounding medicines, but should have the right of selling poisons, and who should be subjected to a modified examination?

We have felt that it is desirable as a tentative measure, that is to register all the present chemists and druggists.

467. That is the proposal in this Bill, that they are to be called "Registered Druggists." But it was suggested by a witness from the north of Ireland that it would be desirable that there should be power to create a second grade, who should be called "Chemists and Druggists," and who should pass an examination, but who should not be entitled to compound medical prescriptions. That was not to be a temporary provision, they being allowed to die out, but that it should be permanently kept in existence?

I am here to give the opinions of our council upon the matter. I do not know whether I may give my own.

468. The Committee would be glad if you would do so, please?

I have been of opinion that possibly we might have a continuance of the chemists and druggists or registered druggists, but there are several objections to that proposal. One of them is that there are a great many towns in Ireland which will not support both a chemist and a druggist and a pharmaceutical chemist; it is much more desirable that a pharmaceutical chemist should be in a town than merely a chemist and druggist.

469. Then, as far as I can understand, you are not of opinion that that would be a desirable thing to do?

Looking at it in that way, I think it would be more desirable that it should not be continued.

470. And that the existing race of chemists and druggists should die out?

Yes; that the existing race of chemists and druggists should die out.

471. Do you think any hardship would be inflicted upon them if they were to be called "Registered Druggists," as proposed in the Bill, instead of "Registered Chemists and Druggists"?

You mean as injuring their business?

472. Yes?

I do not think so. I think that if they wanted to continue what the witnesses who were examined on Friday said they had been engaged in, that is in illegal compounding, it would be undesirable for them to have the name of "Chemists and Druggists," as it would draw people who would think they were qualified to compound, to bring them prescriptions; but if it is merely to carry on the legitimate trade of chemists and druggists, the name "Registered Druggist" would bring in all the customers that "Registered Chemist and Druggist" would.

473. Would it be any loss of social status to them?

I do not think so.

474. Lord De Ros.] It would be more a sentimental idea, then?

Yes, I think so.

475. *Chairman.*] Now, what other points do you wish to give evidence upon to the Committee?

From the evidence I heard on Friday, I have made a few notes of the objections that were taken to our Bill.

476. Would you kindly state the objections, and then proceed to answer them?

In dealing with many of the questions you have put to me, I have answered some of them already, but there are some that perhaps it might be well to give my opinion upon. Mr. Rankin stated (about which you have just asked the question) that our Bill would lower the status of chemists and druggists. What I think upon this matter is that the present men on the whole have nothing to complain of.

477. Whom

18th June 1888.]

MR. HAYES.

[Continued.]

477. Whom do you mean by the present men?

The men who are opposing this Bill. Mr. Rankin stated that his opinion was that three-fourths of the men now styling themselves chemists and druggists have gone into the business since the Act of 1875; those men have nothing to complain of.

478. You confine this observation, then, to those who have gone into the business and are acting illegally since 1875?

Yes; from what Mr. Rankin said (and I think his estimate is very correct), there are only 25 per cent. of the old men now in the business who style themselves chemists and druggists.

479. By the "old men," meaning always those who were in business before the passing of the Act of 1875, and are legally entitled to continue under the 31st clause of that Act?

Just so, and I think on the whole that those men would not complain of being registered now as "Registered Druggists." I know of but two in Dublin who are now in business only as chemists and druggists. Most of them went in for the modified examination which was granted, and all but one of those who went in, to the best of my recollection, passed the examination.

480. Earl of Limerick.] That applies to Dublin; would it apply equally to the smaller men throughout the small towns and villages in the country?

I take Mr. Rankin's estimate as perhaps correct, that there are 25 per cent. of those still in business as chemists and druggists who were in business then. But speaking of Dublin, I know of but two men, which would not be more than 5 per cent., or certainly not more than 10 per cent. of those who were in business in 1875, who are now in business, styling themselves chemists and druggists.

481. Would not they be likely to exist in larger proportion in the small towns?

No doubt that would be so, but those, I understand, are not opposing the present Bill. You had before you one representative from Belfast on Friday, who, as perhaps the noble Lords know, was in business when the Act passed, namely, Mr. Clotworthy, and possibly if those men complained, we might still give them the title of chemist and druggist; but I do not think, on the whole, that they would complain of being registered as druggists.

482. *Chairman.*] It would cause a good deal of confusion, would it not?

I think it would.

483. What is your objection to their being called "Chemists and Druggists" instead of "Druggists" simply?

I think Mr. Brunner gave you clearly our feeling on that matter, that if at any time we wish to bring in what we were permitted to do, namely, to institute a second grade, we would be prevented from doing that afterwards if the new men who were not permitted to compound were called "Chemist and Druggists."

484. You think the phrase "Chemist and Druggist" has, as it were, been ear-marked by the Act of 1875, and that therefore it cannot now be appropriated except under the conditions specified in the Act?

I think so. Then there is another reason, as I stated before, that I think that if you call men "Chemists and Druggists" who are not permitted to compound as they are permitted to do in England, those who come over to Ireland would naturally go to a "Chemist and Druggist" to have their prescriptions compounded; therefore it would be putting a temptation into the way of those men who perhaps do not see the same harm in doing an illegal act as I should do, and also deceiving the public.

485. Lord Lingen.] Could you not trust their rivals in the trade to see that they were on the public register?

Strangers coming to Ireland will not go to the Registrar to see whether those men were on the registry. Another matter that Mr. Rankin brought before us was that we should give up our bye-law as to the four years' practical

(O.I.)

a 3

pharmacy

18th June 1888.]

MR. HAYES.

[Continued.]

pharmacy which are required on going in for examination. I think it would be better to give up the pharmaceutical examination altogether than to give up this bye-law. It would be better to have four years' practical pharmacy than for a man going in for an examination to be able to pass that examination without practical pharmacy.

486. *Chairman.*] You think it is absolutely necessary that these things should be practised, and you place greater reliance upon their having been practised for four years than upon the men's ability to pass an examination however stiff which they might be examined for the purpose of passing?

Certainly I do. Then Mr. Clotworthy seemed to infer that illegal compounding was a necessity. We were very much surprised to hear that, as there are in Belfast no less than 36 pharmaceutical chemists, and for a town like Belfast that is a very large number.

487. I think I asked the question of Mr. Brunker but he was not able to tell me, are those 36 all carrying on separate businesses?

No, not all of them.

488. How many businesses does that number represent?

I should say it represented at least 24, if not more.

489. *Earl of Liverpool.*] Does not that necessity apply more to small country towns and villages than to large towns like Belfast?

I was going to apply myself to that matter. In country towns and places where there is not a pharmaceutical chemist, the parcels post and the telegraph are very handy, and enable people to get a prescription down in a very short time. We in Dublin have prescriptions in large numbers sent up every day from the country, and they are all sent down when made up by country post at no inconvenience whatever, and if a repetition is required a telegram will bring it the next morning.

490. *Lord Lingen.*] That would add one shilling to the expense of the prescription?

Of course, it would; but in country parts it is very much cheaper to get a parcel from Dublin or Belfast than it would be to hire a vehicle and go a distance of 10 miles; one does not mind for an emergency spending sixpence or a shilling.

491. *Chairman.*] And I suppose for the poor, the dispensary fully provides, and even more than fully provides, because those who are not poor often make use of it, to the great loss of the chemist?

That is so.

492. But do not you think that arises from the very high fees charged in Ireland by many medical men?

That is so, no doubt. We think the practitioners are, in many cases, injuring themselves by keeping up their fees; it also arises from the want of general practitioners. Now, Mr. Gibson stated, that there are 2,000 chemists and druggists in Ireland. When a witness, before the House of Commons in 1874, I was asked by Sir Michael Hicks Beach if I could tell how many *bond fide* chemists and druggists there were in all Ireland, and I stated, I did not think there were more than 300 in business on their own account; and I do not think they have increased but rather diminished since that time.

493. May I ask you what you mean by "*bond fide* chemists and druggists"?

I mean those who are simply in the trade as chemists and druggists, not grocers, and ironmongers, who also sell poisons. Of course, if all the assistants of those 300 *bond fide* chemists and druggists, together with grocers and ironmongers, and others who sell poisons, were included, there might be altogether that number.

494. And the public-house keepers?

Grocers' shops and public-houses are very generally the same in the country;

495. It

18th June 1888.]

MR. HAYES.

[Continued.]

495. It is the fact however, is it not, that over the same counter over which intoxicating liquors are sold, deadly poisons are sold also ?

It is so.

496. I believe, in certain cases, in similar if not in identical vessels ?

I believe so. We have a bottle here that was procured from a grocers' shop in Rathmines, which is a suburb, and an important suburb, of Dublin. This was a bottle containing sulphuric acid, which is one of the most deadly and dangerous poisons there can possibly be sent out in a "Yorkshire Relish" bottle, with the Yorkshire Relish label still upon it, and simply the word "poison" pasted round the top.

497. That was a breach of the law, was it not.

It was a breach of the law.

498. But no prosecution followed ?

In this case there was no prosecution.

499. Lord De Ros.] If there had been a "Poison" label upon it that would not have been against the law, would it ?

It was against the law in more than one way, namely, that the vendors were not in business as chemists and druggists when the Act passed, and that they had not their name upon the bottle. The vendor is obliged to have his name, together with the word "poison," upon it, and these people had not their name upon it.

500. Chairman.] It would not have been illegal if they had had their name upon it, and had been in business before 1875 ?

No, but still it would have been just as bad and as careless.

501. That would depend, would it not, upon whether they had complied with the other conditions of the Act ; in the first place, not having sold it to a person with whom they had not personal acquaintance, and in the next place, not having entered it in their ledger ?

No ; sulphuric acid is not a "poison" within Schedule A. ; indeed it is not a scheduled poison at all.

502. However, whether it is scheduled or not, it is a deadly poison ?

No doubt it is.

503. Would you continue your statement ?

Mr. Gibson also stated that there were about 2,000 post towns in Ireland with only about 200 pharmaceutical chemists to supply the necessities of those towns. I do not think it is necessary for every post town in Ireland to have either a pharmaceutical chemist or a chemist and druggist, and, as a matter of fact, there are only, I believe, 1,260 post towns in Ireland.

504. I suppose those post towns very often do not embrace a very large population ?

No ; they are frequently mere villages. Then we have more than 200 pharmaceutical chemists in business, and the lowest estimate we can take of the apothecaries still in business would be about 300 ; so that a very large proportion of those 1,260 post towns would be supplied with a qualified person to compound prescriptions. Mr. Shaw stated that the English chemists and druggists were registered without an examination, and he claims equal rights for the Irish. He forgets, possibly, that English chemists and druggists were compounders of medicine before that Act was brought in, and their privileges were retained for them ; whereas in Ireland the chemists and druggists had no such privileges. The Apothecaries Act, passed in 1792, reserved the legal right of compounding to apothecaries ; therefore, we, as Irish chemists and druggists, had no such rights.

505. Lord De Ros.] Do you see any objection to the chemists and druggists having a representation upon the Council ?

I do not object to the chemists and druggists having a representation upon the Council by having the privilege of choosing pharmaceutical chemists, but it

(D 6.)

a 4

would

1844 June 1888.]

Mr. HAYES.

[Continued.]

would be most undesirable to have the grade of chemists and druggists upon the Council. It would cause division upon the Council; they would be for lowering the standard of the examinations, whereas the pharmaceutical chemists would naturally wish to keep up the standard.

506. *Earl of Limerick.*] They are eligible to a certain extent in England? .

They are a different body altogether in England. The English pharmaceutical chemists and the English chemists and druggists, as I explained, have always had the same privilege as being compounders of prescriptions, the latter being simply a lower title. Then Mr. Downes brought it before the Committee that Mr. Brooks was very much aggrieved by being required under our Amendment Bill to make affidavits. Mr. Brooks is a man of a good deal of common sense, and I scarcely think that he would feel it any indignity thrown upon him to make an affidavit. Mr. Brooks, Mr. Downes stated, was 41 years in business; I think it is very likely it is 41 years since he first went to business, probably as an apprentice, but he retired virtually from the chemists and druggists business 12 or 14 years ago, certainly 12 years ago, keeping on this small establishment which Mr. Downes now represents in Bagot-street. Mr. Brooks was originally a chemist and druggist in Henry-street, but he sold it, and retired from that business altogether, some 12 years ago. The establishment in Bagot-street was then in the possession of Mr. Brooks and a partner, Mr. Wright. Mr. Wright left the business, and then Mr. Brooks got a manager to carry it on, a Mr. Grindley, whose conscience did not permit him to think he was doing exactly right. He was a pharmaceutical chemist, and he thought that, in compounding in his establishment for Mr. Brooks, who was not a pharmaceutical chemist, he was not acting legally; and as soon as it was in his power he retired from that position, and commenced business entirely on his own account. Mr. Downes was then appointed as an assistant in his place and still carries on the same business; but, as Mr. Downes stated, he felt that our new Amendment Act would put him in a worse position than he now holds. We feel that he is acting illegally in compounding in Mr. Brooks' establishment, and he feels that our new clause will prevent him doing so. I think it would be quite right that it should be so.

507. *Chairman.*] That is rather an important point: does that custom of a qualified person managing the business of an unqualified person, involve any danger to the public?

It may not in Mr. Downes' case, if he is always there on the premises, and if he never takes a holiday; but it would if Mr. Downes were not always there, because it could not be expected that he could have a qualified man to take his place when absent.

508. But that would also follow, would it not, if Mr. Downes kept a shop on his own account; he might sometimes be away?

Yes, but it would be presumable that if Mr. Downes had a shop himself, he would have the means to have a qualified man to assist him.

509. He might have the power, but would it be within your experience that that is always done?

In all good houses they always do so.

510. There would be nothing to prevent Mr. Brooks having another qualified practitioner to assist Mr. Downes?

It is quite possible, but I am afraid the establishment would not afford it.

511. *Earl of Limerick.*] I am afraid it will be found that sometimes pharmaceutical chemists take a holiday?

Such is the case, I have no doubt.

512. *Chairman.*] Under the Bill it is proposed to require all persons who keep chemists' shop to have a qualified person to manage them, which is what Mr. Brooks is doing, is it not?

It is; but it is a colourable excuse for evading the law. Mr. Downes, I think I may say truly, tried to throw dust in your Lordships' eyes by begging the question,

18th June 1888.]

Mr. HATER.

[Continued.]

question, and saying there ought to be a clause to prevent such a thing as having a pharmaceutical chemist in a publican's establishment. Such a thing to my knowledge never occurred, and I do not think it is at all likely to occur; therefore, to have a law to prevent a thing which is the last thing in the world which is likely to occur would be an absurdity.

513. But your clause would not prevent a man carrying on his business in a drapery establishment or in any other kind of shop, would it?

No; but it is not at all likely drapers will go in for employing a pharmaceutical chemist. Why this clause is put in is, that chemists and druggists who employ a qualified assistant, wishing to have the same privilege as pharmaceutical chemists, they would like to have facilities to be breakers of the law, as our Belfast friends have avowed, and this would give them a greater power of breaking the law: so if we put in such a clause as this it would compel a respect for the law.

514. Is Mr. Brooks breaking the law now?

He is evading the law. We took counsel's opinion on the subject, and counsel thought the law might be evaded.

515. Earl of *Liserrick*.] It rather appears that you have taken counsel's opinion, and that they have told you it is such a doubtful question as to whether the law was broken or not that they could not advise you to take any action in the matter?

We have felt all through that it is an evasion of the law; and therefore, being an evasion, I consider it to be a breach of the law.

516. *Chairman*.] Would you be able to tell me what law it is a breach of?

Of our own Act, Clause 30; that he does not keep an open shop for dispensing.

517. If he is not keeping open shop he is not doing any harm; but you mean to say that Mr. Brooks is keeping open shop?

Mr. Brooks is keeping open shop, and he is not qualified. He has a man in his establishment who is his manager, and who is apparently carrying on Mr. Brooks' shop upon his own account; but in reality he is, I suppose, giving Mr. Brooks a rent which would be equivalent to Mr. Brooks getting the profits of the business.

518. Earl of *Liserrick*.] Mr. Downes is qualified?

Yes, Mr. Downes is qualified.

519. Clause 30 of the Act of 1875 says, "Provided always that it shall be unlawful for any person to sell or keep open shop for retailing, dispensing or compounding poisons within the meaning of the Act of the Session of the 33rd and 34th years of the reign of Her present Majesty, chapter 26, or medical prescriptions, unless such person be registered as a pharmaceutical chemist"; it is in contravention of that, is it?

It is.

520. As far as the selling goes, Mr. Downes is a pharmaceutical chemist, and he asserts that it is he who sells; therefore he is not acting illegally?

He is making Mr. Brooks act illegally, which, I think, is much the same thing.

521. He says, as I understand, that he is carrying on the business entirely on his own account, and that he simply hires a portion of Mr. Brooks' premises. Is there any harm in a person qualified as a pharmaceutical chemist hiring a portion of the premises of a registered druggist, or chemist and druggist who is not qualified, and carrying on his own business there?

I think there is great harm in a man doing what is not straight and above board. This I can only look upon as a subterfuge and as not being straight and above board.

522. *Chairman*.] It entails no danger upon the public, does it; it is rather a question of trades unionism?

Yes, perhaps you may look upon it as such.

523. Not that I mean to object to it upon that ground; I think trade unionism is most legitimate if legitimately exercised?

(O.G.)

H

It

18th June 1888.]

MR. HAYES.

[Continued.]

It is not always legitimately exercised. But I really do not think that it is a matter of trade unionism with us wishing that this should be discountenanced. As far as I am concerned I would like to see every man's privileges retained, but I do not like anything that is colourable, or that is not straightforward; and we do not look upon this as being straightforward.

524. Lord De Ros.] It would be much more dangerous to the public, would it not, if Mr. Downes and Mr. Brooks changed places?

Yes, and such cases as that do occur where a pharmaceutical chemist lends his name, and the man who is carrying on the business is not a qualified man; it is very hard to deal with such a case.

525. Chairman.] But your new clause will get at that?

Yes, it will.

526. This 12th Clause, we may take it, is solely directed against such cases as that of Mr. Downes?

That is so. It is only a chemist and druggist who would attempt to evade or break the law by such a course; the object of this clause is to prevent chemists and druggists from doing so. It may be often done where it would not be carried on as well as Mr. Downes and Mr. Brooks carry it on. There are other cases where it would be carried on to the danger of the public. I know of cases in which a pharmaceutical chemist is supposed to carry on the business of a chemist and druggist, but who is really only lending his name, and unqualified men consequently are carrying on this practice under his name.

527. This clause would not help that, would it?

It would prevent any pharmacy being carried on in any chemists and druggists.

528. But it would not prevent the case my noble friend suggested of a qualified person keeping open shop, and leaving the business to be altogether conducted by an unqualified and unlettered person?

No. I grant that there exists the power to evade the law in that way.

529. That is a much more serious danger to the public, as it seems to me, than this?

No doubt.

530. Earl of Meath.] Is there any clause in this Bill which would meet the particular danger that you allude to?

I am not sure.

Chairman.] The clause which is meant to meet it is the 14th.

531. Earl of Meath.] Do you consider that Clause 14 would meet it?

If this 12th clause is not put in, it would enable every chemist and druggist in business to evade the law.

532. I am not asking that. I am only asking whether that 14th clause would get over the difficulty which has been mentioned?

I think it would, as far as any law could be brought in; no matter what law is brought in, there will be evasions of it.

533. Chairman.] Would you go on to your next point?

On Friday the Committee seemed a little uncertain as to the term "chemists" or "druggists," and you wanted to know from Mr. Brunner whether such a person as a druggist was in business at all in Ireland. There are a good many wholesale men who never have styled themselves "chemists" at all, they simply style themselves "wholesale druggists."

534. Are there any who call themselves "wholesale chemists and druggists"?

Yes, there are.

535. That would be exceptional, would it not?

Yes.

536. The

18th June 1888.]

MR. HAYES.

[Continued.]

536. The usual term is "wholesale druggist"?

There are a good many in Belfast and several in Dublin who are simply wholesale druggists. On the other hand there are a few like Messrs. M'Master, Hodson & Co., who are wholesale chemists and druggists; they are chemical manufacturers as well. Then it was doubted by your Lordships whether we had in our Council refused to receive members who were elected; we have never refused to elect anyone who has been proposed and seconded as a member of our society.

537. There are a large number of licentiates who do not belong to the society, are there not?

There are; they do not care to pay the guinea.

538. What proportion do they bear to those who do?

We have under 80 members of our society.

539. The whole number is over 300?

The whole number is over 300.

540. They do not care to belong on that ground, you think?

I suppose they do not care to give the guinea. Some of them have refused to join, as they say we have not protected their interests; it is they who have to a great extent in not becoming members of our society prevented our protecting their interests, because we have not been able to do so.

541. You are of opinion that if the Bill which is now before the House becomes law, the number of those belonging to your society will be largely increased?

Very largely.

542. You would in fact be giving them a much better *quid pro quo* than they have at present?

We would; we would be in a position then to see that their rights are protected.

543. Lord De Russ. May I ask what class the "Medical Hall" represents; is that the chemist and druggist or the pharmaceutical chemists?

"Medical Hall" is generally the establishment of an apothecary. In some cases pharmaceutical chemists may style themselves "Medical Hall" simply because they compound medical prescriptions.

544. There is no actual distinction, then?

No, it is just a name. Then again it was stated on Friday that we boycotted a certain paper or journal, and therefore we might boycott the chemists and druggists. Perhaps Mr. Allen, when he is giving evidence to the Committee may be able to give an account of the matter, for I think you ought to get a corrected account of the reason why this paper was not permitted to get an account of our proceedings.

545. It was suggested by some one that you might not elect all who were proposed and seconded?

I have dealt with that already.

546. Earl of Limerick. I asked whether, as a matter of fact, they would not have the power of refusing to elect chemists and druggists even if they were otherwise eligible?

I think I have answered that by saying that we have never refused a member when proposed and seconded. I think it is most desirable that we should have an election, as there may be objectionable men who should not be admitted to any privilege. I think your Lordship asked the question also whether there was any such thing as a pharmaceutical chemist refusing to take an apprentice unless he promised that he would not go into business. I have never heard of such a case. If such a case did occur, it must have been something very exceptional, and I have had very large experience in the matter of giving advice on the matter of apprentices.

(O.G.)

H 2

547. Chairman.]

18th June 1888.]

MR. HAYES

[Continued.]

547. *Chairman.*] There would be no difficulty with regard to apprentices finding places where they could pass their apprenticeship?

None whatever.

548. Is there any other point which you wish to mention to the Committee?

Nothing else occurs to me.

549. *Lord Lingen.*] When the Society of Druggists was formed, and it was voluntary for any persons in practice to join it, would it have included persons who were carrying on other trades besides that of a chemist and druggist, or was the society confined to chemists and druggists?

None but those in business, as what we call *bond fide* chemists and druggists, applied for membership.

550. No persons applied if they were carrying on a second trade?

I do not know whether they were carrying on a second trade, but they were *bond fide* chemists and druggists at the same time.

551. "*Bond fide*" meaning what exactly?

That they were really genuine druggists, or chemists and druggists, who possibly had served their time to a chemist and druggist in bygone days.

552. Do I understand you to say that, in regard to the future, you would prevent *bond fide* chemists and druggists from carrying on other trades with their own business?

No, I did not say that.

553. Did I understand you to say that a chemist and druggist, before the Act of 1875, was precluded from compounding?

He was; the Apothecaries Act of 1792 prevented any man, excepting those who were Licentiates of the Apothecaries' Hall, from compounding in Ireland.

554. That being the law, was the practice the same; did those chemists and druggists extensively compound before the Act of 1875?

Not extensively. There were cases in which there was compounding, but it was not carried on extensively at all; and I was very much shocked to hear our Belfast friends speaking of the thing as being so very common as they say it has been since the passing of the Act of 1875.

555. But before the Act of 1875, do I understand that out of quite the large towns in Ireland the chemists and druggists do not compound very extensively and generally?

Not within my knowledge. I think I should have heard if they extensively compounded; I understood that it was only in isolated cases in which such a thing occurred.

556. How did farmers and such people, who were hardly poor enough to use a dispensary, get their medicines made up before 1875?

By apothecaries who were then in business, and the reason of our Act being brought in mainly was owing to the apothecaries dying out.

557. Was the apothecary an actually distinct person from the medical practitioner of the district?

Quite distinct, but the apothecaries were, many of them, in fact they were generally medical practitioners; their examinations had been so raised in standard that they were almost equal to licentiates of the King and Queen's College of Physicians and the College of Surgeons; all the members of the Apothecaries' Hall were licentiates of the College of Surgeons.

558. May we take this to have been the state of things before 1875 that the local practitioner was practically the apothecary and the chemist of the district in which he was practising?

He was.

559. And that the chemist and druggist, if he did compound, was breaking the law?

Quite so.

560. Looking

1824 June 1868.]

Mr. HATES.

[Continued.]

560. Looking at Clause 31 in the Act of 1875, I read it as if it rather contemplated that the chemists and druggists did compound, because it says that these people shall not be affected. First of all, those who deal in patent medicines, next wholesale dealers, and then it goes on to say, "chemists and druggists who are practising as such in Ireland upon their own account?"

Then there is "save and except."

561. There is one exception, and one exception only, namely, that if they compound poisons and medical prescriptions, they shall compound them according to the British Pharmacopœia. It does not say they shall not compound them at all, but that if they compound them they shall compound them according to the British Pharmacopœia?

There is a conjunction between "medical prescriptions" and "the preparing of any medicine under the British Pharmacopœia, except according to its formulae."

562. "Except" means "otherwise than" in that line evidently?

Those people who were then in business were permitted to carry on all that they had hitherto had the privilege of doing.

563. Just stop there; "all those who were in business," it does not say "their lawful business;" and the clause uses terms afterwards which certainly seem to me to imply that they might compound, provided they compounded according to the British Pharmacopœia?

That is plain enough, that they were not permitted to make up medicines except according to the British Pharmacopœia.

564. But is not the inference from that that they might make up medicine according to the British Pharmacopœia?

Certainly; so they are permitted to do now.

565. Then how are they not full chemists if they may make up prescriptions according to the British Pharmacopœia?

Making up medicines according to the British Pharmacopœia is making up the formula of that Pharmacopœia according as it directs, but not making up physicians' prescriptions.

566. Supposing that a general practitioner writes out a prescription for four grains of calomel, that means that the calomel must be such as the British Pharmacopœia prescribes, does it not?

Yes.

567. Supposing this chemist and druggist, before 1875, illegally, if you like, made up that prescription with four grains of calomel according to the British Pharmacopœia, was not that fully and entirely discharging the function of a chemist?

Before the passing of this Act no chemist and druggist was permitted to compound a medical prescription in any shape or form.

568. That I do not dispute; what I want to put to you is this: that in Clause 35 chemists or druggists who are practising as such in Ireland on their own account at the time of the passing of this Act are protected in their business, the word "business" coming all through with the preceding words; now, supposing a man before 1875 was compounding according to the formulae of the British Pharmacopœia, was he not doing all that pharmaceutical chemists are authorised to do now; this 31st clause seems to me to protect him?

Chemists and druggists sold the various preparations of the Pharmacopœia, but did not compound them, that is to say, did not make them up from the medical prescriptions, but they sold them; they prepared many of the pharmaceutical preparations, and sold them as such.

569. But a certain number of the chemists and druggists did actually compound, and this clause seemed to protect them in their business?

No; chemists and druggists were not legally permitted to compound at all before 1875.

570. You would not read the 31st clause as saying that it contemplated anything that was illegal, although it might not have been uncommon?

(O.B.)

11 3

Certainly,

18th June 1888.

Mr. HAYES.

[Continued.]

Certainly, it did not contemplate anything that was illegal; it only retained the previous privileges; but I believe it was perfectly understood that they were not to compound physicians' prescriptions.

571. They did not all understand that, judging from what you have said?

They all understood it, but they practically evaded it, or performed what they were not permitted to do. The witnesses on Friday did not for a moment claim that they were doing a legal act.

572. Your opinion would be that the 31st clause does not apply to the compounding business of chemists and druggists before 1875?

It distinctly says, "save and except the provision against the compounding of poisons, &c."

Lord Basing.] It is a question whether that "except according to the formularies" has any reference to the preparation of prescriptions; it is a question whether it has not exclusively relation to the formularies of the British Pharmacopoeia.

573. Chairman.] I think it refers you back to the previous section, where you find the provision?

The Apothecaries' Hall was very particular in taking action against any of those who were illegally compounding before the bringing in of this Act of 1875. It took action against those whom they considered to be illegally compounding; they were but a few. I may mention that I was one of those who thought that I was acting legally in having an apothecary in my establishment compounding. There were three others who were doing exactly the same, and we thought we were acting legally. It is exactly upon that same ground that any chemist and druggist would now employ a pharmaceutical chemist to compound for him; but the Apothecaries' Hall commenced proceedings against us, and we went to one of the best counsel and asked his opinion as to whether we were acting legally or not. He said distinctly that we were not acting legally, and therefore the four of us at once gave it up, and promised not to do so again; we certainly did not continue in the practice when we knew it was illegal.

574. But there is no doubt about Mr. Downes?

We felt there was no doubt about it.

575. No more did your Council?

No more did our Council.

576. Lord Lingen.] Is there any reason why the Act of 1875 seems to be less acceptable in Belfast than in Dublin?

I think it is that a greater number there have gone into business since the Act of 1875, and therefore they feel dissatisfied. I think they acknowledge that they were acting illegally in going into business at all since 1875, and they want to cover their illegality now by having their privileges protected.

577. Lord Basing.] You mentioned an estimate by another witness of 2,000 chemists existing in Ireland at a certain date, when, in your own view, there were only 300; how do you account for that enormous difference?

I think I can account for it by saying that possibly the gentleman who put the number at 2,000 took into account all the assistants who were with the *bona fide* chemists and druggists, together with those who were in business with grocers and ironmongers, that possibly might make up the 2,000, but we could not possibly count them as *bona fide* chemists and druggists.

578. Earl of Limerick.] I think you said that your Association of Chemists and Druggists approved the action of the Pharmaceutical Society in not taking any steps to enable persons to acquire the title of "Chemist and Druggist," as provided in Clause 15 of the Act of 1875?

We did.

579. But

18th June 1888.]

MR. HAYES.

[Continued.]

579. But your association, perhaps, rather consisted of the higher class of chemists and druggists?

I do not think so.

580. Were those practising in the small towns and villages, do you think, adequately represented upon it?

They were.

581. And throughout the country generally?

Yes. I was looking over the Minute Book of the year, and I found that, perhaps, 30 or 40 of the country chemists and druggists were members of our society, and had all received notice to attend the meeting.

582. Do you think that the number of chemists and druggists practising; that is to say, compounding medicine, whether legally or illegally, throughout the country, may not show the necessity for the formation of such a class as is contemplated by the Act of 1875; that is to say, the second grade?

No, I do not think it does.

583. Does not it rather indicate the necessity?

I think that if we had instituted a second grade, it would not have brought in five more men to be qualified under our Act, and I am very doubtful whether it would have brought in one more. If we had instituted the second grade, we would have made the examination such as would guarantee that no men were admitted as chemists and druggists for the purpose of compounding who were not qualified for it.

584. Who were not able to compound with safety to the public?

Yes.

585. They would be only required to pass under the Act a modified examination, but at the same time one which would show that they were able to compound with safety to the public.

Yes. But you must recollect that we had a modified examination, and I think I stated that only one man of all who went in for that modified examination was plucked; they may have had to go in twice or more, but there was only one who finally did not pass our modified examination during the year of grace, as far as I can recollect.

586. Lord *Lingen*.] Is that modified examination still open to them?

No; it was only open for two years; it was extended to two years.

587. *Chairman*.] That was to give an opportunity to those who had been previously in business to qualify themselves, if they thought fit, to pass the modified examination?

Quite so.

588. I believe you were one of those who took advantage of it?

No; I was one of those named in the Act; I would have been stultifying myself by going in for the examination.

589. You think that anybody who wished to pass the qualifying examination would rather have the higher than the lower title?

That is so.

590. We may take it that what you are applying to the examination of the pharmaceutical chemist is the minimum which can be exacted with safety to the public?

That is so.

591. Are there some gentlemen of considerable business as chemists and druggists who carry on the business in a similar way to Mr. Brooks; I believe Mr. Wells, of 52, Sackville-street, does so?

His son, Mr. James Wells, is a pharmaceutical chemist; both his sons passed our examination, and both at one time were with the father, but the elder has since gone into business on his own account in Ragot-street, and now there is the younger son who carries on the business as a pharmaceutical chemist.

(O.G.)

H 4

592. That

18th June 1888.]

MR. HAYES.

[Continued.]

592. That would bring them under the provisions of this proposed clause, would it not?

I do not think so.

593. Why not?

I am not quite sure that as partner he is not quite justified in carrying on the business.

594. Is he a partner?

He is a partner; it is "William Wells and Son."

595. I believe Mr. Brooks was the honorary secretary of the Chemists and Druggists Association to which you have alluded?

He was the honorary secretary to the Chemist and Druggists Association before I became so.

596. Mr. Boyd carries on a very well known druggists' establishment, I believe, and his establishment is managed in a similar manner?

His son, within the last two years, has become a pharmaceutical chemist; he has passed his examination, and now carries on his father's business of "Boyd and Goodwin." Mr. Goodwin, who was one of the original members of our council, was a partner with Mr. Boyd, and the business was carried on in the name of Messrs. Boyd and Goodwin. After Mr. Goodwin's death Mr. Boyd promised our council that he would not carry on the business of compounding; his son qualified, and he now carries on the old business legally.

597. Legally?

Yes; because the reason why he promised us that he would not carry it on was that we thought he had been carrying on the compounding after Mr. Goodwin's death, and we gave him notice that he was acting illegally. He then promised us that he would not continue to do so, and when his son qualified he recommenced the old business of compounding.

598. The father was not qualified?

The father was not qualified; the qualified man was Mr. Goodwin.

599. But the business is now managed, as I understand you, by Mr. Boyd's son?

He is qualified.

600. How does that differ from the case of Mr. Downes and Mr. Brooks?

The son is a partner.

601. If Mr. Downes were to become a partner with Mr. Brooks, that would get rid of your objection, would it not?

It would.

602. The public, however, would still remain in the same position?

It would, no doubt. What I object to is not Mr. Downes' isolated case, but it is the whole system of chemists and druggists being permitted to engage pharmaceutical chemists to carry on the business.

603. I suppose you do not think there is anything morally wrong in it, else you would not have carried on the practice yourself?

I thought I was acting legally at the time.

604. Perhaps Mr. Brooks thinks so too?

Counsel's opinion has been asked so much lately upon the point, that I think he could scarcely hold that view. However, Mr. Brooks is a very honourable man, and would not do anything he thought was wrong.

The Witness is directed to withdraw.

18th June 1888.

Ma. WILLIAM NASSAU ALLEN, is called in; and Examined.

605. *Chairman.*] Are you a Pharmaceutical Chemist?

I am.

606. At 48 Henry-street?

Yes.

607. And you have been president of the Pharmaceutical Society, have you not?

Yes, during the year 1886-7.

608. As we have just asked a question upon the subject, I may just ask you, did your father carry on a business at one time in a similar manner to Mr. Hayes, by employing an apothecary to conduct the dispensing?

Both my father and grandfather.

609. They did that, I suppose, with perfect safety to the public?

There was a qualified apothecary at that time, and a separate establishment; it was not as now in some establishments combined with the corner shop.

610. But it was a practice practically identical with that now carried on by Mr. Brooks and Mr. Downes?

To a great extent.

611. Except that in your case an apothecary managed the business for you, and Mr. Downes has carried on on his own account?

Yes, and it was in a separate building, a separate part of the house altogether; there was no connection beyond the door to it.

612. Then why did you give up the custom?

Merely for the same reason that Mr. Hayes told you that the Apothecaries' Hall took action against it. Until then it was never understood that it was at all illegal by any of us; that was before the Act of 1875 passed.

613. You have listened to Mr. Hayes' evidence, do you concur with him?

Mainly, I do.

614. Will you state to the Committee upon what points you disagree?

Mr. Downes' case, I think, comes under the Apothecaries Act altogether and not under our Act; Mr. Hayes, I think, was of the contrary opinion.

615. Mr. Hayes intimated that it was contrary to the provisions of the Act of 1875?

I do not think it was exactly contrary to that Act, but that his case came under the Apothecaries Act of 1791.

616. Do you think that the Act of 1791 makes what Mr. Brooks is now doing illegal?

I do.

617. If that is the case, do you see any necessity for a clause in this Bill to make it illegal, if it is illegal already?

I do not, but I think it makes it plainer to have it in the amended Bill.

618. Have you got the section of the old Act which makes it illegal?

I have not. Then there was a question as to Mr. Wells and his son; I think the fact of there being a partnership does not abate it all. Only its being a limited company would permit them to do that legally. Any number of persons combining, under seven, with one legal compounder could not carry on the business legally; therefore, I think that Messrs. Wells and Sons' action is not legal; and we have other cases in the town just the same.

619. As you have alluded to that case of the companies, supposing Mr. Brooks

(O.G.)

I

Brooks

18th June 1888.]

MR. ALLEN.

[Continued.]

Brooks were to turn his business into a limited liability company, what Mr. Downes is now doing would become perfectly legal, would it not?

Perfectly legal.

620. And even so should this Bill become law?

Yes.

621. The most we can do under this Bill is to compel companies who are under no rule at all now to employ properly qualified persons to manage their businesses?

Yes; in the particular case we have been dealing with, in the event of an action following upon a misadventure, the liability would not be against Mr. Brooks but against Mr. Downes. In that case you would have the possibility of a passer being put into the corner shop in that view, and in the event of an action being brought, no redress to the person sustaining the accident.

622. The criminal law would reach him, would it not?

The owner of the shop would be the owner of the portion that was let to the dispenser.

623. Are you very strongly in favour of the 12th clause of the Bill?

I am; I would like to see it.

624. Although it would not, as I pointed out to you, prevent Mr. Brooks doing identically the same thing if he chose to turn his business into a limited company?

Certainly. Then the preamble of the Act of 1875 states that it was to create a new race of dispensers; as it were, to supply a want. Now, the perpetuation of the race of registered druggists, if it is not to be the mere registering of them, now, I think would prevent to a great extent the supply of pharmacists throughout the country. I do not think it is possible to plant two in a town which would only support one; I think it would be open to very many grave objections. Those men would probably be dispensing again after the passing of the Act, and it would be preferable, from my point of view, that there should not be a perpetuation of the class.

625. You think that if there should be such a demand in any of the small towns as calls for the establishment of a chemist and druggist's shop it should be undertaken by one properly qualified to compound prescriptions?

I do; I think it would be for the advantage of the public that they should be protected. With regard to the representation upon the Council, I think if there were no perpetuation of the grade of registered druggists, it would be scarcely necessary that they should be represented upon the Council, for it would simply resolve itself into registration. There would be no further bye-law making for the registered druggists.

626. The Council could not enact anything to their detriment?

No.

627. Nor to their advantage?

No; they could do nothing but simply carry out the law, and see that they were registered.

628. All they claim, as I understand it, is to have a voice in the way in which those fees which they are called upon to pay are administered?

I think the fees would go in a great measure to protect themselves.

629. But perhaps they might like to see how that is done?

I should think that by voting for members of the Council they would be very fairly protected.

630. Earl of *Limerick*.] The Bill does not provide for that; you would give them the power to become associates?

Yes.

631. The Bill does not do that?

It does not.

632. You would see no objection to that?

Not the slightest, I think it would be rather an advantage than otherwise.

633. *Chairman*.]

18th June 1888.]

Mr. ALLEN.

[Continued.]

633. *Chairman.*] You see some objection to giving them the same representation as was provided in the Bill for the chemists' and druggists' grade, should they be established?

I do; they would not be dispensers of medicine in any way.

634. This is the clause: "Be it enacted that from and after the year of our Lord 1791, no person shall keep open shop or practice the art or mystery of an apothecary with the kingdom of Ireland until he shall have been examined as to his qualification and knowledge of the business by the persons and in the manner by this Act prescribed, and shall have received a certificate to open shop or follow the art and mystery of an apothecary within the kingdom of Ireland, from the governor and directors of the Apothecaries Hall of the city of Dublin." You say that Mr. Brooks is acting in contravention of that Act?

I believe so. Then, as regards the reason or necessity for there being only one grade originally, I, being one of those who voted at a meeting of the chemists and druggists at that time, may say that there was another reason which Mr. Hayes did not mention. That was that there was no possible means of distinguishing between those chemists and druggists who had passed under the Act, and those who had been in business before who could not dispense; I thought that would be a serious difficulty.

635. Mr. Rankin told us that?

Mr. Hayes omitted it, I think.

636. Lord *Léves*] The register would make a distinction, but you think the public would not be aware of it?

Yes; it would be impossible for the public to distinguish between a legal and an illegal dispenser in that case. And as to the compounding of medicines, I think your Lordship asked a question about the sale of calomel. The sale of calomel being a preparation of the British Pharmacopœia was quite legal, as was the sale of a similar quantity of opium; but if it were ordered in a physician's prescription that those two things should be mixed together, then it comes under the head of compounding, and it comes within the law.

637. The gist of my question was whether, under the 32nd Section, the reference to the British Pharmacopœia extended to the sale, or only to the mixing?

The mixing brought it within the Act. Mr. Rankin on Friday stated that he considered that chemists and druggists were perfectly capable of passing in chemistry. Now I am a frequent visitor at our examinations, and I can sincerely bear that out in full. Seeing that in the Pharmaceutical Society, out of the prepared men coming to us, only 50 per cent. pass in chemistry, I think it is not likely that those outside, who were not prepared specially, would be likely to pass 50 per cent.

638. Do you think it would be desirable that there should be some enactment against poisons being sold in a public-house?

I do. I think it is a very serious thing; and also as to the shaped bottle that was referred to the other day; that ought to be a matter of serious consideration.

639. That would add, I suppose, to the expense which the purchaser would have to pay?

If he had to pay for the bottle, it would not add to the expense, because the price of one would be similar to that of the other.

640. A specially made bottle would not be more expensive than an ordinary bottle?

No, they are commonly used in the trade. I use poison bottles for all poisons myself.

641. But I suppose you would coincide with Mr. Hayes in saying that a pharmaceutical chemist would not be likely to carry on his business in a public-house?

I do not think he would.

(O.E.)

I 2

642. Do

18th June 1888.]

MR. ALLEN.

[Continued.]

642. Do you think there is any amendment called for in that respect?
Not that I know of.

643. Earl of Limerick.] You see cases in which men are acting as wine merchants in a chemist's shop?

None that I know of myself. I have never known it personally. I know that I heard it mentioned on Friday that such things had occurred, but beyond that I never heard of it occurring?

644. Chairman.] What, in your judgment, would be desirable if it could be done; would he to prohibit the sale of poisons on licensed premises?

Yes.

645. It has been suggested to me that it should be made unlawful for the business of a registered druggist, as defined by the Act, or of a pharmaceutical chemist, or a chemist and druggist, as defined by the Pharmacy Act of 1855, to be carried on on premises licensed for the sale of intoxicating liquors or in connection therewith; what would you say to that?

I would approve of that.

646. You would prevent the sale of poisons after the passing of this Bill?

Yes.

647. Because no one except a registered druggist would be hereafter entitled to sell them?

Yes.

648. Earl of Limerick.] That would apply not to the wholesale sale, but simply to the retail sale?

Yes, simply to the retail sale; the Bill does not touch the wholesale sale.

649. Earl of Meath.] Do you think that sulphuric acid and other similar poisons ought to be added to the Poisons Act?

I do; I think there are a good many poisonous drugs which should rightly be included.

650. Do you think you would have funds sufficient, if this Bill passes as it is now and you get an increase in the number of your members, really to enforce the law by prosecutions?

I do, but we certainly should not if we did not get the fee.

651. You do not think that the police ought in any way to take action in prosecutions?

I think by reporting, certainly.

652. Chairman.] That is provided for in the Bill?

It is.

653. Lord Lingen.] You mentioned that the Apothecaries Hall had taken action repeatedly before 1875; was the threat generally sufficient, or were any of those actions brought into court?

I think, within my knowledge, the threat was usually sufficient. In our own case the threat was sufficient; we were advised not to go into court on the ground that there was no case; and I am perfectly confident that there was no case.

654. You do not recollect, for instance, any case of flagrantly mischievous breaches of the law which have been brought into a court of justice owing to the Apothecaries Act?

No, I was too young at the time to recollect that.

655. At any rate in no recent year before 1875?

No, not within my knowledge.

656. Now, about the difficulty of distinction between a pharmaceutical chemist (supposing there were to be such a person) and a registered chemist and druggist; that difficulty of distinction, whatever it may be, exists in England, does it not?

They can both dispense here.

657. They

18th June 1888.]

Mr. ALLEN.

[Continued.]

657. They can both dispense in England, and now I am putting the case that they were enabled both to dispense in Ireland. The difficulty on the part of the public in distinguishing between them, whatever it might be in Ireland, is now encountered and got over somehow or another in England?

But the difficulty here does not affect the dispensing; it is merely that they are both, as far as the public are concerned, equally competent to dispense prescriptions.

658. I want to put the case to you that they were both made equally competent to dispense prescriptions in Ireland, and I understand one of your objections, at any rate, to be that the public could not distinguish between them?

Not between the legally qualified chemist and druggist and the unqualified chemist and druggist in business before the Act was passed.

659. But I am putting the case now, supposing it were thought desirable to register not simply druggists for the sale of poisons, but chemists and druggists who would dispense, but who would not have the status of a pharmaceutical chemist. You say that the public could not distinguish between them. I put the case to you that they do distinguish between them in England, or at any rate that there would be no greater difficulty in distinguishing between them in Ireland than in England?

They certainly would not be dispensers.

660. Supposing they were made dispensers, and were obliged to call themselves "Registered Chemists and Druggists?"

There would be no occasion to distinguish between a pharmaceutical chemist and a registered chemist and druggist.

661. Though one would have passed a higher examination than the other?

Probably they would first pass as chemists and druggists and then as pharmaceutical chemists, as they do in England.

662. Why would it be more difficult to distinguish in Ireland than it is in England?

Because the others would still continue the name.

663. There are two classes of pharmaceutical chemists in England, are there not?

No, there are two classes of dispensers, the pharmaceutical chemist and the chemist and druggist; but there are no chemists and druggists in England who are not qualified to dispense.

664. Supposing the case of chemists and druggists who cannot now dispense in Ireland, passing a less good examination than is required of the pharmaceutical chemist; supposing even it were limited to the people who have come into the business before 1888, would there be any insuperable difficulty in enabling them to dispense upon an examination corresponding to the minor examination in England?

We contend that our examination is almost the same as the examination in England, and that it is the minimum examination that should be passed for dispensing.

665. You would rest your examination finally upon this ground, that the examination you require for pharmaceutical chemists is the least that ought to be required of anybody who is to be authorised to dispense?

Yes.

666. *Chairman.* You have stated, in reply to the noble Earl (Meath), that you thought that sulphuric acid ought to be included in the Schedule to the Poisons Act; why do you not recommend to the King and Queen College of Physicians to include it; you have that power, have you not?

We have that power, and Mr. Hayes informs me that it has been done; it must have been before I was on the Council.

Mr. *Brunker.* The recommendation was sent on by the College of Physicians, but it was not accepted by the Privy Council upon the ground that

(0.6.)

I 3

18th June 1888.]

Mr. ALLEN.

[Continued.]

that those articles were so much used in the arts that any restriction upon their sale would cause much inconvenience.

667. There is a power which enables sulphuric acid to be added to the Schedule of Poisons?

Mr. Brunner.] There is.

The Witness is directed to withdraw.

Mr. RICHARD BREMRIDGE, is called in; and Examined.

668. Earl of Meath.] You are Secretary and Registrar of the Pharmaceutical Society of Great Britain?

I am.

669. I should be much obliged to you if you would kindly tell me whether it is not the case that in England the pharmaceutical chemists and the chemists and druggists both can compound prescriptions?

They can.

670. The chemists and druggists have not to pass as hard an examination as the pharmaceutical chemists, I understand?

No.

671. The examination that the chemists and druggists have to pass is about equal to the examination in Ireland which the pharmaceutical chemists have to pass, is it not?

So I understand from the witnesses this morning; I should think it is about the same.

672. Consequently, the examination which the pharmaceutical chemists in England have to pass is a great deal harder?

Undoubtedly.

673. If, in England, chemists and druggists and pharmaceutical chemists can both compound prescriptions, what is the advantage of becoming, in England, a pharmaceutical chemist?

Perhaps I had better go into a short historical answer, and by that means I think you will perhaps be better able to understand the point. The title of "pharmaceutical chemist" was given to men who passed voluntarily the examination of the Pharmaceutical Society back in 1841. Men passed that examination because they wished to distinguish themselves, and in the early days, in the year 1852, Parliament protected the title pharmaceutical chemist, so that no person who had not passed the examination was permitted to use the title. This voluntary examination went on from that year to the year 1868 when the Pharmacy Act was passed, and it was decided that there should be a register of all persons who should be entitled to compound medicines containing poisons, and to sell poisons and use the title of "chemist and druggist." All the existing pharmaceutical chemists were at once placed upon that register; and the chemists and druggists who were carrying on the business of compounding prescriptions were added on their making a declaration, that declaration having been confirmed by a medical man or a magistrate. The wording of the declaration is to the effect that such person was before the date of the passing of the Act, 1868, the 31st of July, keeping an open shop for the compounding of prescriptions of duly qualified medical practitioners, so that they were compounders of medicine and not mere drug sellers. I gathered from questions by members of your Lordships' Committee that there was some little difficulty in grasping the difference between a chemist and druggist in Great Britain and the proposed class to be instituted in Ireland, and I thought I had better give my answer to that question a little at length.

674. Earl of Limerick.] I think it is clause 3 of the Act of 1868, which gives the definition of a chemist and druggist existing at the time of the passing of that Act?

I was

18th June 1888.]

MR. BRENNIDGE.

[Continued.]

I was referring to the Schedule of the Act, in which, if you refer to it, you will find the wording of the declaration as I said for each person who required to be registered.

675. Earl of Meath.] I do not think you have shown me that pharmaceutical chemists have any privileges which chemists and druggists have not?

So far as regards the general register, pharmaceutical chemists and chemists and druggists are upon a level as to their relations to the public. As regards their services to the public, they are all of them equally entitled to carry on the same kind of business, but a pharmaceutical chemist is a man who can use the title of pharmaceutical chemist exclusively; no other man is entitled to do that.

676. Therefore it gives him a higher status?

It gives him a higher status. All the examiners of the Pharmaceutical Society must be pharmaceutical chemists under the provisions of the Pharmacy Act.

677. Do you think there is an advantage in having these two classes?

I am hardly in a position to answer that question; it is a rather difficult one, as I cannot undertake to say what would be the policy of my Council. But, I think it possible that if we were to begin *ab initio* we should only have one class.

678. The reason I ask this question is to know how it has worked in practice, with a view to Irish legislation. If you were beginning again, you do not think you would have the two classes?

I think not. The idea at the formation of the Pharmaceutical Society was that "Pharmaceutical Chemist" should be the title for the master, and that the minor examination, which now entitles one who passes it to be registered as a chemist and druggist, was to be an examination for assistants, and under the Act of 1852 persons who passed that examination were described as "Assistants," and registered as such. When the Act of 1868, the present Pharmacy Act, passed, the minor qualification was accepted by the Legislature as being a sufficient examination for the safety of the public, and the major examination, the Pharmaceutical Chemists' Examination, was granted as an honorary degree, as it were.

679. Lord Lingen.] If a candidate at this time applied to be put upon the register, what examination would he have to undergo; should you ask him whether he sought to be registered as a pharmaceutical chemist or as a registered chemist, or are there no more registered chemists upon the register?

We should not ask him that; he must pass the minor examination before he can be eligible to come up for the major as a pharmaceutical chemist. A pharmaceutical chemist is a man who has become registered by having passed the minor examination, *plus* the major, which gives him the honorary degree.

680. But as regards the minor examination; the registered chemist is not simply the person who was practising before a certain date, and so came on to the register, but at this moment every person coming on to the register passes the minor examination, and then if he thinks it worth his while he passes for a pharmaceutical chemist?

Yes.

681. Have you any means of judging whether a pharmaceutical chemist gets into a better practice than a registered chemist?

We think so; we think that the medical profession and a good many members of the public recognise that a pharmaceutical chemist has passed voluntarily a superior examination to that passed by other men.

682. Do the bulk of the men who now enter into the profession pass as pharmaceutical chemists?

No, they may commence business with the qualifying examination; they are not obliged to do anything more; and, as I informed your Lordships, as regards their business and their relations to the public, they are all of them exactly on the same footing.

18th June 1888.]

Mr. BREMIDGE.

[Continued.]

683. Except that a man would violate the Act of 1852, if being only a registered chemist, he described himself upon his shop-board as being a "pharmaceutical chemist"?

We should prosecute him if he did so. I hardly remember a case in which we have had to go into that question. It has been quite sufficient to show a man that he was wrong, and to hold the sword over his head, we do not want to proceed to extremities; we only want to keep the law respected.

684. Is the pharmaceutical chemist's examination severer above that of the registered chemist?

Yes, the pharmaceutical chemist's examination is only in three of the six subjects in which the minor man is examined; I may call them the three scientific subjects of the examination, viz.: Botany, *materia medica*, and chemistry; he has a more extended examination in those subjects than the registered chemist has.

685. Is there any special branch of his work in the practical part of it, in which that higher examination is necessary, or is it diffused generally over his work; in what particular, if in any (for I am not myself an expert in this matter), would a registered chemist be less at home than a pharmaceutical chemist; are there any particular parts of his work to which that would apply?

No, not in the ordinary routine of his business. Where his superior knowledge would come in, would be in making analyses and answering questions requiring a higher scientific knowledge than would be compulsory upon the minor man, in order to obtain his qualification.

686. Making analyses, for instance, would be work of a different order from making up prescriptions?

Quite so; it is more of a professional character.

687. *Chairman*] In fact the two grades may be said, therefore, to correspond with the degrees of Bachelor of Arts and Master of Arts; the majority of people, as we know, being satisfied with the degree of Bachelor of Arts?

That is so.

The Witness is directed to withdraw.

MR. JAMES EDWARD BRUNKER, is again called in; and farther Examined.

688. *Chairman*.] HAVE you anything to add to the evidence which you have given?

I wish to say a word about Clause 12. I think this Clause is, perhaps, more important, as regards the interests of the public, than your Lordship has yet conceived. The object of this clause is to prevent such a state of things as this: suppose a man, who is unqualified to dispense as a chemist and druggist, wants to add to his business, he employs a qualified pharmaceutical chemist to dispense for him. On the first blush, the man whom he would have engaged for such employment, is a man without capital; a man looking for something to do; he is put into the place, it being a sort of shop within a shop, and he is supposed to be independent. This man is the proprietor, or professedly so, of that portion of the establishment; in case of misadventure, he is the person who would be liable to any damages that might arise, not only criminally, but pecuniarily.

689. Not surely if he were employed by the other person?

But his case is that he is not employed.

690. But the case you are putting to the Committee is where he is employed?

The case we want to provide for is where he is not employed, as in Mr. Downes' case.

691. But your case is, as I understood it, that he was employed, in which case the Latin maxim *Qui facit per alium facit per se* prevails?

In

18th June 1888.]

Mr. BRUNER.

[Continued.]

In this case that we are supposing, at all events, he is not employed, but is supposed to be a per-on in an independent position. He would be responsible to the public without their being able to get any damages against him. From his position he is presumably impecunious, so that the public will be able to get no damages in the event of an accident arising.

692. Why is he presumably a pauper if he owns the business, more than in any other case?

It must necessarily be a very small business, if it is a shop within a shop. Our experience is that in these places the work is all done from one supply of drugs. The person who is the real owner of the business is the person who purchases the drugs, and is responsible for their quality; so that independently of the question of mis-adventure or fatal accident occurring, the public suffer from not being supplied by the person who is the purchaser of the stock from which the supply comes. The whole difficulty can be removed in such a case as Mr. Downes' by at once changing the relation from that of independent business man to that of employer and employed under the 14th section; and the object of putting in this clause is to require that in all these cases that relation should exist, that there should be no possibility of two establishments being carried on under the same roof, perhaps in the same room, and that either a small room, which are supposed to be independent of one another, but are necessarily intermixed.

693. Earl of Limerick.] But Clause 12 would prevent a pharmaceutical chemist being employed, would it not?

Not so; that is Clause 14.

694. But Section 14 would have to be read with Section 12, and, taking them together, the chemist or druggist could not employ a pharmaceutical chemist under those words, could he?

Perhaps that difficulty might be done away with by a slight alteration in the wording.

Chairman.] I think it right to make this remark. I think that section as it stands is very dangerous, because that asserts that it shall be unlawful for a registered druggist to do that which is by the law of the land, as we understand it, unlawful now, in which case you are throwing doubt upon the law of the land.

695. Earl of Limerick.] Besides, I understand Mr. Hayes distinctly to object to a druggist employing a pharmaceutical chemist for any such purpose?

Under the 14th section of the Act he can; if this portion of the section were altered, and worded, "or to allow any part of his shop or premises to be let off for the purpose," that would be a desirable improvement; it would then read, "it shall be unlawful for any registered druggist to allow any part of his shop or premises to be let off for the purpose of retailing, dispensing, or compounding medical prescriptions." Your Lordship will see that what I want is the law amended in the interest of public safety; it is not for any advantage that would arise to any of our licentiates, because in either case one of our licentiates must get employment.

696. Clause 14 would allow of a chemist or druggist employing a pharmaceutical chemist as assistant or manager, apparently, but Clause 12 would render it absolutely impossible for him to do so?

As regards the wording, on conning it over since Friday I think it is not very clear; but I think some such wording as that which I suggested would meet the objection, and prevent such a state of things as we desire to prevent.

697. I do not quite understand your proposed amendment to Clause 9?

It follows sequentially upon the new Clause 8; Clause 8A is practically a reproduction of Clause 18 of the Act of 1875.

698. Chairman.] This I suppose would meet the views of those who think it right that registered druggists should have some representation?

(O.G.)

K

Yes.

18th June 1888.]

MR. BRUNNER.

[Continued.]

Yes. This is to provide that every person who is an associate and pays the fee required of members shall not be required to pay the 10 s. 6 d.

699. "Who is not an elected associate of the society"; is there any definition of what "the society" means in the Bill?

Yes, in the preamble it is so defined. The object is to relieve the registered druggist who is an associate, and who is not in business on his own account from this fee, and you will observe that it is so worded that the registered druggist who does not stand in the position either of a man in business on his own account or a responsible manager, but who is merely an assistant, will not be required to pay the 10 s. 6 d. fee.

700. Are there many of those?

There may be a good many, and this year a large number of those apprentices are coming up. A great many of them will wish to avail themselves of the privilege of registering, and they may not be in a position to go into business at once, and we think it would be unfair that they should be required to pay half a guinea, seeing that they would have really no stake in the business as yet.

The Witness is directed to withdraw.

MR. SAMUEL GIBSON, is again called in; and further Examined.

701. *Chairman.*] HAVE you anything further to state to the Committee?

Mr. Hayes, in the beginning of his evidence, led you to believe that the chemists and druggists at the time of the passing of the Act were satisfied with it; he gave my father as an instance, stating that he was one of the members of the original Chemists and Druggists' Society. They were satisfied with the Act as it was on paper, and they would have been satisfied if the two grades had been carried out, and they understood that the two grades would be carried out. Of course, when they found that the Pharmaceutical Society were not going to carry out what they considered was the intention of the Act, then they left the society, being dissatisfied with it.

702. I think what he stated was that the chemists and druggists desired that there should be only one grade?

He did not state how many members were at that meeting.

703. There were 59, I think. Did I understand you to say that the chemists and druggists, as far as you knew, were satisfied with the Act of 1875?

They were quite satisfied with the Act of 1875, by which they understood that they were going to get two grades established.

704. The two grades having identically the same functions?

They thought that they were the same as the English had been previously.

705. Did they think that that was desirable?

Yes.

706. Why?

They thought the Act that was going to be passed for Ireland was the same as that which had been passed for England.

707. Was that their only reason for thinking that there should be two grades?

They thought then, as they think now, that two grades would supply the wants of the people better than the one grade they had then.

The Witness is directed to withdraw.

Brought from the Lords, 7 August 1888.

R E P O R T
FROM THE
SELECT COMMITTEE OF THE HOUSE OF LORDS
ON THE
PHARMACY ACT (IRELAND), 1868,
AMENDMENT BILL (H.L.);
WITH THE
PROCEEDINGS OF THE COMMITTEE
AND
MINUTES OF EVIDENCE.

*Ordered, by The House of Commons, to be Printed,
11 August 1888.*

[Price 10½ d.]

352.

B—C. 2. 18.

Under 8 oz.